THE

# PUBLIC GENERAL STATUTES

PASSED IN THE

## FORTY-FOURTH AND FORTY-FIFTH YEARS

OF THE REIGN OF HER MAJESTY

## QUEEN VICTORIA,

## 1881:

WITH

A COPIOUS INDEX, TABLES,

&c.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY:
And Published in Numbers, *Price 2d. each*,
AT THE QUEEN'S PRINTING OFFICE, EAST HARDING STREET,
NEAR FLEET STREET.

1881.

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OF

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**xix.** An Act to confirm the Provisional Order for the Regulation of certain lands known as Langbar Moor, situate in the township of Nesfield-with-Langbar, in the parish of Ilkley, in the county of York, in pursuance of a report of the Inclosure Commissioners for England and Wales.

**xx.** An Act to confirm the Provisional Order for the Regulation of certain lands known as Beamsley Moor, situate in the township of Beamsleys Both, in the parish of Skipton, in the county of York, in pursuance of the report of the Inclosure Commissioners for England and Wales.

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**lxi.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Berwick-upon-Tweed and Cheltenham, the Urban Sanitary District of Folkestone, the Rural Sanitary District of the Hendon Union, the Metropolis, and the Local Government Districts of Redruth, Swinton, and Willington.

**lxii.** An Act to confirm certain Orders of the Local Government Board under the provisions of the Divided Parishes and Poor Law Amendment Act, 1876, as amended and extended by the Poor Law Act, 1879, relating to the Parishes of Bromsgrove, Claines, Dodderhill, Grafton Manor, Hadsor, Hampton Lovett, Hanbury, Hinlip, In-Liberties, Pelhams Lands, Saint Andrew, Saint Nicholas, Saint Peter, Salwarpe, Swineshead, Upton Warren, and Warndon.

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**lxiv.** An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for the United School District of Clay Lane, Derby, to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

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**ci.** An Act to confirm certain Provisional Orders under the Land Drainage Act, 1861.

**cii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Birmingham, Tame, and Rea Main Sewerage District; the Local Government Districts of Cowpen and Leigh, the Borough of Nottingham, and the Local Government District of Risca.

**ciii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brentford Gas, Chichester Gas, Ely Gas, Grays Thurrock Gas, Ilford Gas, Kirkham Gas, Northfleet and Greenhithe Gas, Pinner Gas, Staines and Egham Gas, Stone Gas, and Waltham Abbey and Cheshunt Gas; and to amend the Gas and Water Works Facilities Act, 1870, in so far as relates to the district of the Brentford Gas Company.

**civ.** An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Burghead, Cart, Crarae, Devonport, Folkestone, Folkestone (Central) Girvan, Leven, Lochaline, Penarth, Peterhead, Pittenweem, Ramsgate, Sandhaven, Shanklin, Stornoway, Weston-super-Mare, and Whitby.

**cv.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bootle-cum-Linacre Corporation Tramways, Gravesend, Rosherville, and Northfleet Tramways, Jarrow and Hebburn and District Tramways, Liverpool Corporation Tramways (Extension), Manchester Corporation Tramways, Middlesbrough Tramways (Extensions), North Staffordshire Tramways (Extensions), Rusholme Local Board Tramways, Shipley Tramways, South Gosforth Tramways, South Shields Corporation Tramways, Woolwich and South-east London Tramways, and York Tramways (Extensions).

**clxi.** An Act to confirm the Provisional Order for the Regulation of certain lands known as Shenfield Common, situate in the parish of Shenfield, in the county of Essex, in pursuance of a Report of the Inclosure Commissioners for England and Wales.

**clxii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Acton, Buxton, and Crompton, the Port of Harwich, the Improvement Act District of Llandudno, the Borough of Monmouth, the Local Government District of Normanton, the Borough of Pontefract, the Local Government District of Wallasey, the Borough of Walsall, the Improvement Act District of Wath-upon-Dearne, and the Local Board of Health District of Woolwich.

**clxiii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Birmingham and Western Districts Tramways, Dudley and Tipton Tramways, Dudley, Stourbridge, and Kingswinford Tramways, South Staffordshire Tramways, and Wednesbury and West Bromwich Tramways.

**clxiv.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bristol Tramways (Extensions), Bury and District Tramways, City of London and Metropolitan Tramways, Lincoln Tramways, Lincolnshire Tramways, Rochdale Tramways, Shepherd's Bush and Hammersmith Tramways, and Worcester Tramways.

**clxv.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Dyserth, Meliden, and Prestatyn Water, Harwich Water, Henley-on-Thames Water, Newport and Pillgwenlly Water, Newhaven and Seaford Water, and Poole Water.

**clxvi.** An Act to legalize certain Marriages celebrated in the Chapel at Alsager, in the parish of Barthomley.

**clxvii.** An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

**ccxviii.** An Act to explain and amend the Erne Lough and River Acts, 1876 and 1879.

**ccxix.** An Act to make provision with respect to the Navigation of the Solent between the Isle of Wight and the Mainland, in the county of Hants.

THE.

# PUBLIC GENERAL STATUTES.

44 VICTORIA.

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## CHAPTER 1.

An Act to apply the sum of Two million five hundred thousand pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-one.

[17th February 1881.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 2,500,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1881.

**1.** The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-one, the sum of two million five hundred thousand pounds.

Power to the Treasury to borrow.

**2.** The Commissioners of the Treasury may borrow from time to time on the credit of the said sum any sum or sums not exceeding in the whole the sum of two million five hundred thousand pounds, and shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

**3.** This Act may be cited as the Consolidated Fund (No. 1) Act, 1881.

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## CHAPTER 2.

An Act to remove Doubts as to the operation and effect of so much of the Burial Laws Amendment Act, 1880, as relates to the Births and Deaths Registration Act, 1874. [17th February 1881.]

43 & 44 Vict. c. 41.

WHEREAS doubts have arisen as to the operation and effect of the eleventh section of the Burial Laws Amendment Act, 1880, by reason of a clerical error in the first sentence thereof; and it is expedient that such doubts should be removed:

Be it declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Explanation of 43 & 44 Vict. c. 41. s. 11. 37 & 38 Vict. c. 88. 43 & 44 Vict. c. 41.

**1.** Nothing in the eleventh section of the Burial Laws Amendment Act, 1880, shall have, or be deemed in law to have had, the effect of repealing, or in any manner altering, any of the provisions contained in the seventeenth section of the Births and Deaths Registration Act, 1874, in any case whatever, save and except only the case of a burial under the Burial Laws Amendment Act, 1880.

Construction of 43 & 44 Vict. c. 41. s. 11.

**2.** The words "in the case of a burial under that Act" in the first sentence of section eleven of the Burial Laws Amendment Act, 1880, shall be construed and read as if they had been "in the case of a burial under this Act."

Short title.

**3.** This Act may be cited as the Burial and Registration Acts (Doubts Removal) Act, 1881.

## CHAPTER 3.

An Act to further improve the Administration of Justice in the Judicial Committee of the Privy Council. [17th February 1881.]

WHEREAS it is expedient that further provision should be made for the administration of justice in the Judicial Committee of the Privy Council:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Lords Justices of Appeal to be members of Judicial Committee.

**1.** Every person holding or who has held in England the office of a Lord Justice of Appeal shall, if a member of Her Majesty's Privy Council in England, be a member of the Judicial Committee of the Privy Council.

Short title.

**2.** This Act may be cited as the Judicial Committee Act, 1881.

# CHAPTER 4.

An Act for the better Protection of Person and Property in Ireland. [2nd March 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power of Lord Lieutenant to arrest and detain.

**1.** (1.) Any person who is declared by warrant of the Lord Lieutenant to be reasonably suspected of having at any time since the thirtieth day of September one thousand eight hundred and eighty been guilty as principal or accessory of high treason, treason-felony, or treasonable practices, wherever committed, or of any crime punishable by law committed at any time since the thirtieth day of September one thousand eight hundred and eighty in a prescribed district, being an act of violence or intimidation, or the inciting to an act of violence or intimidation, and tending to interfere with or disturb the maintenance of law and order, may be arrested in any part of Ireland and legally detained during the continuance of this Act in such prison in Ireland as may from time to time be directed by the Lord Lieutenant, without bail or mainprise; and shall not be discharged or tried by any court without the direction of the Lord Lieutenant; and every such warrant shall, for the purposes of this Act, be conclusive evidence of all matters therein contained, and of the jurisdiction to issue and execute such warrant, and of the legality of the arrest and detention of the person mentioned in such warrant.

(2.) Every warrant whereby any person is declared to be reasonably suspected of any crime other than high treason, treason felony, or treasonable practices, shall state the character of such crime. A copy of the warrant of arrest shall be given to each person arrested under this Act on the occasion of his arrest.

(3.) Any person detained in pursuance of a warrant under this Act shall be treated as a person accused of crime and not as a convicted prisoner, subject to the special rules for the time being in force with respect to prisoners awaiting trial: Provided that the Lord Lieutenant may from time to time, if he shall think fit, make regulations modifying such special rules so far as they relate to persons detained under this Act. Any regulations made by the Lord Lieutenant under this provision shall be laid before both Houses of Parliament within fourteen days after the making of the same, if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament, and when Parliament is not sitting such regulations shall within fourteen days be published in the Dublin Gazette.

(4.) A list of all persons for the time being detained in prison under this Act, with a statement opposite each person's name of the prison in which he is detained for the time being, and of the ground stated for his arrest in the warrant under which he is detained, shall be laid before each House of Parliament within the first seven days of every month during which Parliament is sitting, and when Parliament is not sitting such list shall be published in the Dublin Gazette within the first seven days of every month.

(5.) On the expiration of a period of three months after the arrest of each person detained under this Act, and so from time to time on the expiration of each succeeding period of three months while such person is detained, the Lord Lieutenant shall consider the case of such person and decide thereon; and the decision of the Lord Lieutenant in that behalf shall be certified under his hand, or the hand of the Chief Secretary to the Lord Lieutenant, to each Clerk of the Crown, by whom a copy of the warrant under which such person shall be detained shall be filed in his public office, under this Act, and each such Clerk of the Crown shall record such decision by indorsement on the copy of the warrant so filed in his office.

(6.) No person discharged from detention under this Act shall be so discharged at a greater distance than five miles from the place whereat he was first arrested under this Act, unless he shall himself prefer to be discharged at a place nearer to the prison wherein he was last detained.

(7.) "Prescribed district" means any part of Ireland in that behalf specified by an order of the Lord Lieutenant for the time being in force, and the Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time make, and when made, revoke and alter any such order.

Grant of out-door relief. 43 Vict. c. 4. 43 & 44 Vict. c. 14.

**2.** The enactments contained in the third section of the Relief of Distress (Ireland) Act, 1880, as amended by the ninth section of the Relief of Distress (Ireland) Amendment Act, 1880, shall, so far as relates to the families of persons for the time being detained under this Act, continue in force during the continuance of this Act.

Supplemental provisions as to warrants, &c.

**3.** (1.) Any warrant or order of the Lord Lieutenant under this Act may be signified under his hand or the hand of the Chief Secretary to the Lord Lieutenant, and a copy of every warrant under this Act shall, within seven days after the execution thereof, be transmitted to the clerk of the Crown for the county in which was the last known place of abode of the person arrested under such warrant, and be filed by the said clerk of the Crown in his public office in said county; and a further copy of every such warrant shall, within seven days after the execution thereof, be transmitted to the clerk of the Crown for the county of the city of Dublin, and be filed by him in his public office in that city; and each such clerk of the Crown shall furnish a copy of such warrant free of charge, certified under his hand to be a true copy, on demand, to any relative of the person arrested under such warrant or his solicitor.

(2.) The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time make, and when made revoke and alter, an order prescribing the forms of warrants for the purposes of this Act, and any forms so prescribed shall when used be valid in law.

(3.) If any member of either House of Parliament be arrested under this Act the fact shall be immediately communicated to the House of which he is a member, if Parliament be sitting at the time, or if Parliament be not sitting, then immediately after Parliament reassembles, in like manner as if he were arrested on a criminal charge.

(4.) Every order under this Act shall be published in the Dublin Gazette, and the production of a printed copy of the Dublin Gazette purporting to be printed and published by the Queen's authority, containing the publication of any order under this Act, shall be conclusive evidence of the contents of such order, and of the date thereof, and of the same having been duly made.

(5.) The expression "Lord Lieutenant" means the Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being.

Continuance of Act.

**3.** This Act shall continue in force until the thirtieth day of September one thousand eight hundred and eighty-two, and no longer.

## CHAPTER 5.

An Act to amend the Law relating to the carrying and Possession of Arms, and for the Preservation of the public Peace in Ireland. [21st March 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Prohibition on having or carrying arms in proclaimed district, and search.

**1.** In a proclaimed district a person shall not carry or have any arms or ammunition save as authorised by the conditions set forth in the proclamation herein-after mentioned.

Any person carrying or having, or reasonably suspected of carrying or having, any arms or ammunition in contravention of this Act may be arrested without warrant by any constable or peace officer, and, as soon as reasonably can be, conveyed before some justice of the peace in order to his being dealt with according to law

The Lord Lieutenant may by warrant direct any person named in such warrant to search in houses, buildings, and places situate in a proclaimed district and specified in the warrant, for any arms or ammunition suspected to be therein in contravention of this Act.

The person named in such warrant, with such constables and other persons as he calls to his assistance, may, within ten days next after the date of the warrant, at any time between sunrise and sunset, enter into any house, building, or place specified in such warrant and there execute the warrant; and in case admittance shall be refused to the persons aforesaid, or shall not be obtained by them within a reasonable time after it shall have been first demanded, they may enter by force in order to execute such warrant. The person named in such warrant shall, before executing the same, if so desired, produce the said warrant. Any arms or ammunition carried, had, or found under circumstances which contravene this Act shall be forfeited to Her Majesty.

Any arms or ammunition in the possession of persons not entitled to have the same which shall, within a period to be fixed by the proclamation herein-after mentioned, be given up voluntarily or taken under such circumstances as shall prove to the satisfaction of the Lord Lieutenant that they have not been wilfully kept back,

shall be deemed to be in the possession of Her Majesty, and provision shall be made in such proclamation for the deposit, registration, valuation, and care of the same; and such arms and ammunition shall be returned to the owners thereof whenever the proclamation relating thereto shall cease to be in force: Provided that at any time the Lord Lieutenant may, instead of keeping and returning the arms and ammunition aforesaid, if he think fit, pay to the owners of the same the value thereof as ascertained in the manner provided by the proclamation, or the owners thereof may demand payment of such value, and such payments may be made out of moneys to be provided by Parliament.

Power as to proclamation in respect to arms and ammunition

**2.** The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time by proclamation declare this Act to be in force within any specified part of Ireland, and this Act shall thereupon after the date specified in the proclamation be in force within such specified part, and any such specified part of Ireland is in this Act referred to as a "proclaimed district;" and any such proclamation may set forth the conditions and regulations under which the carrying or having of arms or ammunition is authorised, and make provision for the appointment of persons to give effect to the same and the manner of the promulgation thereof.

Power as to prohibiting or regulating sale or importation of arms and ammunition.

**3.** The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time make orders for prohibiting or regulating in Ireland the sale or importation of arms and ammunition, and for the appointment of persons for the purpose of giving effect to such orders and providing for the manner of the promulgation thereof.

If any person sell or import or attempt to sell or import, any arms or ammunition in contravention of any such order, such arms and ammunition shall be liable to be forfeited to Her Majesty, and the person so acting wilfully shall be guilty of an offence against this Act.

Supplemental provisions.

**4.** (1.) The Lord Lieutenant, by and with the advice of the Privy Council, may, by a further proclamation or order, from time to time alter or revoke any proclamation or order made by him under this Act. A copy of every proclamation and order under this Act shall be laid before each House of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

(2.) The Lord Lieutenant may from time to time by order prescribe forms for the purposes of this Act, and any form so prescribed shall be valid in law.

(3.) Any warrant or order of the Lord Lieutenant under this Act may be signified under his hand or under the hand of the Chief Secretary to the Lord Lieutenant.

(4.) Any person who may be appointed under any proclamation issued pursuant to this Act to grant licences to have or carry arms, in any district, shall be bound to grant to any occupier of one or more agricultural holdings a licence to have arms, or to have and carry arms upon any specified lands, or a licence to have and carry arms generally, who shall produce to him a certificate signed by two justices of the peace for the county, residing within the same petty sessions district as the person producing such certificate, that he is,

to their own personal knowledge, a fit and proper person to have such licence respectively.

(5.) Every proclamation and order under this Act, and a notice of the promulgation thereof in the manner provided, shall be published in the Dublin Gazette, and the production of a printed copy of the Dublin Gazette purporting to be printed and published by the Queen's authority, and containing the publication of any proclamation, order, or notice under this Act, shall be conclusive evidence of the contents of such proclamation, order, or notice, and of the date thereof, and that the district specified in such proclamation is a proclaimed district within the meaning of this Act, and that the said proclamation or order has been duly promulgated.

Penalties.

**5.** Any person acting in contravention of this Act shall be liable if convicted before a court of summary jurisdiction to be imprisoned for a term not exceeding three months, or, at the discretion of the court, to a penalty not exceeding twenty pounds; but, if, upon the hearing of the charge, the court shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, it shall have power to dismiss the person charged without proceeding to a conviction. For the purposes of this Act, the court of summary jurisdiction shall, in the police district of Dublin metropolis, be constituted of a divisional justice acting for the said district, and elsewhere in Ireland shall be constituted of two or more justices of the peace sitting in petty sessions, of whom one shall be a resident magistrate, or of one resident magistrate sitting alone in petty sessions.

Definitions.

**6.** In this Act the expression "Lord Lieutenant" means the Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being.

The expression "arms," includes any cannon, gun, revolver, pistol, and any description of firearms, also any sword, cutlass, pike, and bayonet, also any part of any arms as so defined.

The expression "ammunition" includes bullets, gunpowder, nitro-glycerine, dynamite, gun-cotton, and every other explosive substance whether fitted for use with any arms or otherwise.

Short title.

**7.** This Act may be cited as the Peace Preservation (Ireland) Act, 1881.

Continuance of Act.

**8.** This Act shall continue in force until the first day of June one thousand eight hundred and eighty-six.

## CHAPTER 6.

### An Act to provide for an Annual Return of Rates, Taxes, Tolls, and Dues levied for local purposes in Scotland.

[29th March 1881.]

WHEREAS rates, taxes, tolls, and dues to a large amount are levied for purposes of local government and improvements in Scotland, and it is proper that Parliament should be informed annually of all sums so levied, and the expenditure thereof:

And whereas by the authority of Parliament returns of such receipts and expenditure are prepared annually for England and

23 & 24 Vict. c. 51.

40 & 41 Vict. c. 66.

Ireland, but no provision has been made for the preparation of returns applicable to Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title, and application.

**1.** This Act may be cited as the Local Taxation Returns (Scotland) Act, 1881, and shall apply to Scotland only.

Clerks of local bodies to make annual returns of local taxation.

**2.** The clerk (or if there be no clerk the treasurer or other officer or person keeping the accounts of the receipts and expenditure) of any corporation, commission, board, trustees, or other body or persons authorised to levy or to order to be levied any compulsory rates, taxes, tolls, or dues in Scotland (other than such as are levied for the public revenue of the United Kingdom), shall once a year make a return of their receipts and expenditure of such rates, taxes, tolls, or dues to Her Majesty's Principal Secretary of State for the Home Department at such time and in such form as he may from time to time direct, and unless some other time be prescribed such returns shall be made in the month of July in each year for the annual period ending at Whitsunday immediately preceding, where the accounts are made up from Whitsunday to Whitsunday, if otherwise, then for the latest period of twelve months preceding the date of the return for which the accounts are in use to be made up. The first returns shall be made in July of the present year. The Secretary of State shall cause such returns to be abstracted, and the abstract thereof, with such further particulars as he may think proper, to be laid before Parliament.

Penalty.

**3.** Any clerk, treasurer, or other officer required as aforesaid to make a return under this Act who fails to make such return at the prescribed time, shall be liable to a penalty of twenty pounds, which may be recovered summarily by proceedings in the Sheriff Court or Court of Session at the instance of the Lord Advocate.

Returns not to be additional to those already required.

**4.** Where any annual return is now by law required to be made to the Secretary of State or to any public department, this Act shall not render necessary any other return. Provided that the Secretary of State may by his order published in the Edinburgh Gazette direct that all or any of such returns now required as aforesaid shall in future be made under this Act.

Saving for railway companies, &c.

**5.** This Act shall not extend to any tolls or dues taken by any railway, canal, or joint stock company as profits of their undertaking, or to any tolls or dues taken by prescription, or otherwise, as private property.

## CHAPTER 7.

An Act to authorise the Secretary of State for India in Council to sell a piece of land in Charles Street, Westminster, to the Commissioners of Her Majesty's Works and Public Buildings for the Public Service.

[29th March 1881.]

28 & 29 Vict. c. 32.

WHEREAS in pursuance of the India Office Site and Approaches Act, 1865, the Secretary of State in Council of India purchased certain land, and such land is now vested in Her Majesty

her heirs and successors, for the service of the Government of India, according to the provisions of the Act of the session of the twenty-first and twenty-second years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act for the better Government of India," in this Act referred to as the India Act, 1858: 21 & 22 Vict. c. 106.

And whereas that portion of the land so purchased and vested in Her Majesty as aforesaid which is described in the schedule to this Act, and delineated on the plan deposited as in the schedule mentioned, is not required for the service of the Government of India:

And whereas the Secretary of State in Council of India has agreed to sell to the Commissioners of Her Majesty's Works and Public Buildings (in this Act referred to as the Commissioners of Works), and the Commissioners of Works have agreed to buy the said portion of land described in the schedule to this Act for the sum of sixty-eight thousand six hundred pounds, to be paid out of moneys provided by Parliament:

And whereas it is expedient to provide as herein-after appearing for carrying into effect the said sale:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the India Office (Sale of Superfluous Land) Act, 1881.

Transfer of site in Charles Street from Indian Secretary to Commissioners of Works.

**2.** As soon as the Commissioners of Works have paid into the Bank of England to the account of the Secretary of State in Council of India the sum of sixty-eight thousand six hundred pounds, the piece of land described in the schedule to this Act, and delineated on the plan deposited as in that schedule mentioned, shall be vested in the Commissioners of Works, and their successors and assigns, for all the estate and interest of Her Majesty therein, and all powers in relation to the said piece of land which, by the India Office Site and Approaches Act, 1865, are vested in Her Majesty, her heirs and successors, shall vest in the Commissioners of Works, their successors and assigns. 28 & 29 Vict. c. 32.

The Commissioners of Works shall hold the said piece of land for the public service in like manner as if it had been duly purchased by them under the Act of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter twenty-eight, intituled "An Act to amend an Act of the fourteenth and fifteenth years " of Her present Majesty for the direction of Public Works and " Buildings, and to vest the buildings appropriated for the accom- " modation of the Supreme Court of Justice in Edinburgh in the " Commissioners of Her Majesty's Works and Public Buildings."

Provided that in the event of the sale, exchange, or lease of the said piece of land, or any part thereof, it shall not be necessary for the person who purchases or takes the same in exchange or lease to ascertain that the direction of the Commissioners of Her Majesty's Treasury has been given to such purchase, exchange, or lease.

The receipt of one of Her Majesty's Principal Secretaries of State for the above-mentioned sum shall be recorded at the Queen's Remembrancer's Office among the records of the High Court of Justice, and shall be conclusive evidence to any purchaser that the above sum was duly paid, and that the land became under this Act vested in the Commissioners of Works.

Land to continue subject to land tax.

**3.** Such portion of the piece of land described in the schedule to this Act as, at the time of the passing of this Act, is subject to land tax, shall continue liable thereto until duly discharged, but shall not be assessed to the land tax at a higher value than that at which such land was assessed at the time at which it was purchased in pursuance of the India Office Site and Approaches Act, 1865.

Exemption from operation of 18 & 19 Vict. c. 122.

**4.** All buildings erected on the land mentioned in the schedule to this Act by or under the direction of the Commissioners of Works shall be exempt from the operation of the Metropolitan Buildings Act, 1855, and any Act amending the same, whether passed before or after the passing of this Act, except so far as any future Act expressly negatives this section.

Disposition of moneys received for purchase. 21 & 22 Vict. c. 106.

**5.** All moneys received by the Secretary of State in Council of India in pursuance of this Act shall be applied as other moneys received from the sale of land vested in Her Majesty for the service of the Government of India under the India Act, 1858, are by law applicable.

## SCHEDULE.

All the piece of land, containing twenty-seven thousand four hundred and forty square feet, or thereabouts, situate in the parish of St. Margaret, in the city of Westminster, and abutting on the north on Charles Street, on the west on Delahay Street, on the south on Gardener's Lane, and on the east on land belonging to the Commissioners of Works, as the same land is delineated on a plan signed by the Right Honourable George John Shaw Lefevre, First Commissioner of Her Majesty's Works and Public Buildings, and by the Right Honourable Spencer Compton Cavendish, commonly called the Marquis of Hartington, one of Her Majesty's Principal Secretaries of State, and deposited at the Queen's Remembrancer's Office among the records of Her Majesty's High Court of Justice, and coloured red on the said plan.

# CHAPTER 8.

An Act to apply certain Sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, and one thousand eight hundred and eighty-two.

[29th March 1881.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which

we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 1,536,571*l.* 4*s.* 2*d.* out of the Consolidated Fund for the service of the years ending 31st March 1880 and 1881.

**1.** The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty and one thousand eight hundred and eighty-one, the sum of one million five hundred and thirty-six thousand five hundred and seventy-one pounds four shillings and twopence.

Issue of 11,819,046*l.* out of the Consolidated Fund for the service of the year ending 31st March 1882.

**2.** The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-two, the sum of eleven million eight hundred and nineteen thousand and forty-six pounds.

Power to the Treasury to borrow.

**3.** The Commissioners of the Treasury may borrow from time to time, on the credit of the said sums, any sum or sums not exceeding in the whole the sum of thirteen million three hundred and fifty-five thousand six hundred and seventeen pounds four shillings and twopence, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

**4.** This Act may be cited as the Consolidated Fund (No. 2) Act, 1881.

## CHAPTER 9.

An Act to provide during twelve months for the Discipline and Regulation of the Army. [8th April 1881.]

WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty, and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom, and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and thirty-four thousand and

sixty men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or merchant ships or vessels, or ships or vessels of Her Majesty, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

42 & 43 Vict. c. 33.

And whereas the Army Discipline and Regulation Act, 1879, will expire—

(*a*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April one thousand eight hundred and eighty-one; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July one thousand eight hundred and eighty-one; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, on the thirty-first day of December one thousand eight hundred and eighty-one:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Army Discipline and Regulation (Annual) Act, 1881.

Army Discipline and Regulation Act (42 & 43 Vict. c. 33.) to be in force for specified times.

**2.** The Army Discipline and Regulation Act, 1879, shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament; that is to say,

(1.) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand eight hundred and eighty-one to the thirtieth day of April one thousand eight hundred and eighty-two, both inclusive; and

(2.) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand eight hundred and eighty-one to the thirty-first day of July one thousand eight hundred and eighty-two, both inclusive; and

(3.) Elsewhere, whether within or without Her Majesty's dominions, from the thirty-first day of December one thousand eight hundred and eighty-one to the thirty-first day of December one thousand eight hundred and eighty-two, both inclusive;

and the day from which the Army Discipline and Regulation Act, 1879, is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

The Army Discipline and Regulation Act, 1879, while in force shall apply to persons subject to military law, whether within or without Her Majesty's dominions. 42 & 43 Vict. c. 33.

A person subject to military law shall not be exempted from the provisions of the Army Discipline and Regulation Act, 1879, by reason only that the number of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned. 42 & 43 Vict. c. 33.

**3.** There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Discipline and Regulation Act, 1879, the prices specified in the Schedule to this Act. Prices in respect of billeting. 42 & 43 Vict. c. 33.

## AMENDMENTS OF ARMY DISCIPLINE AND REGULATION ACT, 1879.

**4.** (1.) On and after the commencement of this Act, where a soldier on active service is guilty of an aggravated offence of drunkenness, or of an offence of disgraceful conduct, or of any offence punishable with death or penal servitude, it shall be lawful for a court-martial to award for that offence such summary punishment other than flogging as may be directed by rules to be made from time to time by one of Her Majesty's Principal Secretaries of State; and such summary punishment shall be of the character of personal restraint or of hard labour, but shall not be of a nature to cause injury to life or limb, and shall not be inflicted where the confirming officer is of opinion that imprisonment can with due regard to the public service be carried into execution. Summary punishment.

(2.) The said summary punishment shall not be inflicted upon a non-commissioned officer, or upon a reduced non-commissioned officer, for any offence committed while holding the rank of non-commissioned officer.

(3.) "An aggravated offence of drunkenness" for the purposes of this section means drunkenness committed on the march or otherwise on duty, or after the offender was warned for duty, or when by reason of the drunkenness the offender was found unfit for duty; and notwithstanding anything contained in the Army Discipline and Regulation Act, 1879, it shall not be incumbent on the commanding officer to deal summarily with such aggravated offence of drunkenness.

(4.) "An offence of disgraceful conduct" for the purposes of this section means any offence specified in section eighteen of the Army Discipline and Regulation Act, 1879.

(5.) For the purpose of commutation of punishment the summary punishment above mentioned shall be deemed to stand in the scale of punishments next below penal servitude.

(6.) Any punishment which may, in pursuance of the Army Discipline and Regulation Act, 1879, be awarded in addition to imprisonment, may also be awarded in addition to a summary punishment under this section.

Summary court-martial.

**5.** (1.) Where a person subject to military law and being on active service with any body of forces is charged, on and after the commencement of this Act, with an offence against the Army Discipline and Regulation Act, 1879, a summary court-martial may be convened and shall have jurisdiction to try such offence, if the officer convening the court is of opinion that an ordinary court-martial cannot, having due regard to the public service, be convened to try such offence.

(2.) A summary court-martial shall be convened and constituted, and the members and witnesses sworn, and its proceedings conducted, and its finding and sentence confirmed in such manner as may be provided by this section and rules from time to time made in pursuance of the Army Discipline and Regulation Act, 1879, as amended by this Act; and sections fifty to fifty-four (both inclusive) of that Act shall not apply to such court-martial, provided that,—

(*a.*) A summary court-martial shall consist of not less than three officers, unless the officer convening the same is of opinion that three officers are not available, having due regard to the public service, in which case the court-martial may consist of two officers; and

(*b.*) Where a summary court-martial consists of less than three officers the sentence shall not exceed such summary punishment as is allowed by this Act, or imprisonment; and

(*c.*) A sentence of death or penal servitude awarded by a summary court-martial shall not be carried into effect unless and until it has been confirmed by the general or field officer commanding the force with which the prisoner is present at the date of his sentence.

Abolition of corporal punishment.

**6.** On and after the commencement of this Act there shall be repealed so much of the Army Discipline and Regulation Act, 1879, as prescribes corporal punishment for offences committed by persons subject to military law and convicted of such offences by court-martial; also so much of section seventy-two of the said Act as relates to field general courts-martial, without prejudice to anything done or suffered in pursuance of the said section, and the finding and sentence of any such court held before the commencement of this Act may be confirmed and carried into effect after such commencement.

Rules made in pursuance of this Act to be laid before Parliament.

**7.** All rules made in pursuance of this Act shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if Parliament be not then sitting, as soon as practicable after the beginning of the then next session of Parliament.

## SCHEDULE.

| Accommodation to be provided. | Maximum Price. |
|---|---|
| Lodging and attendance for soldier where hot meal furnished - - - - - - - | Twopence halfpenny per night. |
| Hot meal as specified in Part I. of the Second Schedule to the Army Discipline and Regulation Act, 1879. | One shilling and one pennyhalfpenny each. |
| Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat. | Fourpence per day. |
| Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse. | One shilling and ninepence per day. |
| Lodging and attendance for officer - - | Two shillings per night. |

*Note.*—An officer shall pay for his food.

# CHAPTER 10.

## An Act for the transfer of Property held for the Use and Service of the Inland Revenue to the Commissioners of Her Majesty's Works and Public Buildings; and for other purposes. [3rd June 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited for all purposes as the Inland Revenue Buildings Act, 1881.

Lands, &c. in the United Kingdom for the service of the Inland Revenue to vest in Commissioners of Works.

**2.** All manors, messuages, buildings, lands, tenements, and hereditaments of freehold or leasehold tenure in the United Kingdom which are now vested in the secretary or joint secretaries to the Commissioners of Inland Revenue, or any other person, in trust for Her Majesty, her heirs and successors, for the use and service of the Inland Revenue, shall become and are hereby vested in the Commissioners of Her Majesty's Works and Public Buildings (hereinafter called the Commissioners of Works) for the public service, and shall be subject to the provisions of the Act of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter twenty-eight, in all respects as if the same had been acquired under the provisions of that Act.

Copyholds now vested in Commissioners of Inland Revenue to remain so, but in trust for Commissioners of Works.

**3.** All lands of copyhold or customary tenure which are now vested in the secretary or joint secretaries to the Commissioners of Inland Revenue, or any other person, in trust for the same Commissioners, or for the service of the Inland Revenue, shall remain vested in such secretary or joint secretaries, or other person, but in trust for the Commissioners of Works for the public service, and shall be subject to the provisions of the said Act of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter

twenty-eight, in all respects as if the same had been acquired under the provisions of that Act.

As to completion of existing contracts.

**4.** All contracts entered into by or on behalf of the Commissioners of Inland Revenue in respect of any lands or hereditaments in the United Kingdom for the service of the Inland Revenue, and not at the passing of this Act fully performed and completed, may be enforced, and shall be performed and completed for the public service, in like manner as if the Commissioners of Works had been parties thereto instead of the Commissioners of Inland Revenue.

Commissioners of Works empowered to purchase lands, &c.

Incorporation of 8 & 9 Vict. c. 18., and 8 & 9 Vict. c. 19., &c.

**5.** The Commissioners of Works shall, under and subject to the provisions of the said Act of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter twenty-eight, from time to time purchase, hire, or otherwise acquire such buildings, lands, or other hereditaments as may be necessary for the service of the Inland Revenue within the United Kingdom; and for the purposes of any such purchase the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation (Scotland) Act, 1845, and the Acts extending and amending the same respectively, except so much thereof as relates to the purchase of land otherwise than by agreement, are hereby incorporated with this Act, the special Act being construed to mean this Act, and the promoters of the undertaking being construed to mean the Commissioners of Works.

Purchases, &c. subject to provisions of 15 & 16 Vict. c. 28.

**6.** Every purchase, sale, exchange, or lease by the Commissioners of Her Majesty's Works under this Act shall be deemed to be a purchase, sale, exchange, or lease under the said Act of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter twenty-eight.

Provided that it shall not be necessary for any vendor, purchaser, lessor, or lessee to ascertain that the consent of the Commissioners of Her Majesty's Treasury to the purchase, sale, exchange, or lease by the Commissioners of Works has been given.

## CHAPTER 11.

An Act to further amend the law relating to Sea Fisheries by providing for the protection of Clam and other Bait Beds. [3rd June 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Sea Fisheries (Clam and Bait Beds) Act, 1881.

Power of Board of Trade by Provisional Order to protect bait beds from injury by beam trawls.

41 & 42 Vict. c. 73.

**2.** Where the Board of Trade, on such application and after such local inquiry as in this Act mentioned, are satisfied that the unrestricted use of beam trawls in any area being part of the sea adjoining the United Kingdom, and within the territorial waters of Her Majesty's dominions, within the meaning of the Territorial Waters Jurisdiction Act, 1878, is injurious to any clam or other bait bed in that area, the Board of Trade may make an order for restricting or prohibiting or for empowering the authority named

therein to restrict or prohibit, either entirely or subject to such regulations as may be provided by the order, the use of any beam trawl for taking sea fish within the area named in the order during such term of years, or during such period either in every year or in a term of years, as is limited by the order.

The Board of Trade may, by any such order, provide for enforcing the order, and any restriction, prohibition, or regulation contained therein by fines not exceeding twenty pounds for each offence; and the authority empowered by the order may be any person or body of persons corporate or unincorporate, and may, if it seem expedient, be constituted by the order.

An order under this section shall be subject to such confirmation by Parliament or otherwise as in this Act mentioned.

Persons who may apply for order.

**3.** An application to the Board of Trade for an order under this Act in relation to any locality may be made by memorial in that behalf presented to the Board of Trade by any persons appearing to the Board of Trade to represent the fishermen of the locality, or by any of the following authorities, if they appear to the Board of Trade to be interested in the fisheries of the locality; namely,

The justices of a county in general or quarter sessions assembled, or in Scotland the commissioners of supply of any county;

A town council or other urban sanitary authority;

A rural sanitary authority; and

Any body corporate, persons or person being or claiming to be proprietors or proprietor of or intrusted with the duty of improving, managing, maintaining, or regulating any harbour.

Application of provisions of 31 & 32 Vict. c. 45 relating to orders of the Board of Trade.

**4.** For the purposes of an order under this Act, and the local inquiry, confirmation, and other matters in reference thereto, sections thirty to thirty-nine (both inclusive), sections forty-two and forty-three, section forty-six, and sections forty-eight to fifty (both inclusive), of the Sea Fisheries Act, 1868, shall apply as if those sections were re-enacted in this Act with the necessary modifications; and with the substitution of the applicants for an order under this Act for "the promoters."

Provided, that where an order made under this Act either is limited to an area not exceeding five acres, or amends a previous order without extending the area to which that order applies, and a petition against the order by any local authority or persons affected thereby is not within one month after the first publication of the order received by the Board of Trade, or if received is withdrawn, the Board of Trade may, if they think fit, submit the order for confirmation to Her Majesty in Council; and every such order, if confirmed by Her Majesty in Council, shall have full operation as if it had been confirmed by Parliament.

Power to determine order.

**5.** An order made under this Act, and confirmed by Order in Council, may, notwithstanding anything in the order, be determined either wholly or partially at any time by Her Majesty in Council on the representation of the Board of Trade (which the Board may make after such inquiry as they may think necessary); and the authority empowered by the order shall not be entitled to any compensation in respect of such determination or in respect of any expenses incurred by them in acting or with a view to act under the order.

Power in order under 31 & 32 Vict. c. 45. to deal with order under this Act.

6. An order made by the Board of Trade under Part III. of the Sea Fisheries Act, 1868, may, if the Board see fit, contain provisions repealing or amending all or any of the provisions contained in an order made under this Act.

Extent of Act.

7. This Act shall not extend to Ireland, but may be extended to the Isle of Man, if an Act shall be passed by the Legislature of the said Isle adopting the same.

Recovery of fines.

8. All fines and proceedings under this Act, or under any order made and confirmed in pursuance of this Act, may be recovered and taken in the same manner as fines and proceedings are recovered and taken under the Sea Fisheries Act, 1868, and any Act amending the same.

Interpretation.

9. In this Act, unless the context otherwise requires, the expression "beam trawl" means a net commonly known as a beam trawl net, and any other engine or instrument (not being a dredge for oysters) which is used or capable of being used for dragging along the bottom of the sea for the purpose of taking fish.

## CHAPTER 12.

### An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue.

[3rd June 1881.]

Most Gracious Sovereign,—

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Customs and Inland Revenue Act, 1881.

#### PART I.

#### CUSTOMS AND EXCISE

*As to Customs.*

Import duties on tea.

2. The duties of customs now chargeable upon tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and eighty-one until the first day of August one thousand eight hundred and eighty-two, on the importation thereof into Great Britain or Ireland; (that is to say,)

Tea the pound - - - - Sixpence.

Alteration of customs duties on beer. 39 & 40 Vict. c. 17.

3. In lieu of the duties of customs now payable under the Customs Tariff Act, 1876, on beer and ale, there shall be charged and paid the duties following; (that is to say,)

For every thirty-six gallons of beer of the descriptions called mum, spruce, or black beer,

Where the worts thereof were before fermentation of a specific gravity—

| | £ | s. | d. |
|---|---|---|---|
| Not exceeding one thousand two hundred and fifteen degrees - - - | 1 | 6 | 0 |
| Exceeding one thousand two hundred and fifteen degrees - - - | 1 | 10 | 6 |

For every thirty-six gallons of beer of any other description,

Where the worts thereof were before fermentation of a specific gravity of—

| | | | |
|---|---|---|---|
| One thousand and fifty-seven degrees - | 0 | 6 | 6 |

And so in proportion for any difference in gravity.

Drawback on the exportation of imported beer.

**4.** In respect of all beer imported or brought into Great Britain or Ireland, and subsequently exported as merchandise, or shipped for use as ship stores, or removed to the Isle of Man, and on which beer the duties of customs under this Act shall have been paid, there shall be allowed and paid the drawback under section thirty-six of the Inland Revenue Act, 1880, upon the exportation of beer brewed in the United Kingdom. 43 & 44 Vict. c. 20.

Provisions as to importation of beer.

**5.** (1.) The importer of any beer into Great Britain or Ireland, or his agent, and any person bringing in beer into Great Britain or Ireland from the Isle of Man, or his agent, shall deliver to the proper officer of customs at the place at or to which the beer is so imported or brought in, a declaration of the original gravity of the worts from which the beer was brewed, such declaration to be duly verified by signature, and to be in such form as the Commissioners of Customs may direct.

(2.) For the purpose of charging the proper duty of customs on beer so imported or brought in, the original gravity of the beer may be ascertained by an officer of customs, or an officer of inland revenue, in the manner provided by section fifteen of the Inland Revenue Act, 1880, for determining the original gravity of beer brewed in the United Kingdom, and duty shall be charged according to the gravity stated in the declaration or that ascertained by the officer whichever shall be the highest.

(3.) If the gravity ascertained by the officer shall exceed by two per centum the gravity stated in the declaration the beer shall be forfeited, and, if the gravity so ascertained shall exceed by five per centum the gravity stated in the declaration, the importer or person bringing in the beer, and the agent declaring, if any, shall forfeit a penalty of one hundred pounds

Beer imported may be exported.

**6.** (1.) It shall be lawful for any person to export as merchandise to foreign parts or for use as ships' stores, or to remove to the Isle of Man any beer imported or brought into Great Britain or Ireland, and, except as is herein-after provided, the enactments contained in sections thirty-seven, thirty-eight, and thirty-nine of the Inland Revenue Act, 1880, shall extend and apply to the exportation or removal of beer imported or brought in.

(2.) It shall not be necessary for the declaration mentioned in section thirty-seven of the said Act to be produced upon the ex-

portation or removal of beer imported or brought in; but the notice thereby required to be given to the proper officer at the place from which the beer is to be exported or removed shall specify that the full duties of customs have been charged and paid upon the beer, and such notice, which may be given by the exporter or his agent, shall be duly verified by signature, and shall be deemed an instrument within section one hundred and sixty-eight of the Customs Consolidation Act, 1876.

39 & 40 Vict. c. 36.

Alteration of duties on spirits imported.

39 & 40 Vict. c. 35.

**7.** In lieu of the duties of customs now payable under the Customs Tariff Act, 1876, on spirits or strong waters, and of the duties of excise on spirits manufactured or distilled in the islands of Guernsey, Jersey, Alderney, and Sark respectively, and imported into the United Kingdom, there shall be charged and paid the duties of customs following; (that is to say,)

| | £ | s. | d. |
|---|---|---|---|
| For every gallon computed at hydrometer proof of spirits of any description (except perfumed spirits) including naphtha or methylic alcohol, purified so as to be potable, and mixtures and preparations containing spirits - - | 0 | 10 | 4 |
| For every gallon of perfumed spirits - - | 0 | 16 | 6 |

And so in proportion for any less quantity.

Where a person importing liqueurs, cordials, or other preparations containing spirits in bottle, may have entered the same in such a manner as to indicate that the strength is not to be tested, duty shall be charged and paid at the rate following; (that is to say,)

| | £ | s. | d. |
|---|---|---|---|
| For every gallon thereof - - - | 0 | 14 | 0 |

And so in proportion for any less quantity.

Mode of testing in case of obscuration.

**8.** In any case where by reason of the presence of colouring, sweetening, or other matter, the correct strength of any spirit cannot be immediately ascertained by Sykes's hydrometer, a sample of such spirit may be distilled or treated by such other process as the Commissioners of Customs may direct, so that the true strength of the spirit may be ascertained by the said hydrometer.

Time and place for landing goods inwards.

**9.** No goods, except diamonds and bullion, and lobsters and fresh fish of British taking, imported in British ships, which goods may be landed without report or entry, shall be unshipped from any ship arriving from parts beyond the seas, or be landed or put on shore on Sundays or holidays, except by special permission of the Commissioners of Customs; nor shall they be unshipped, landed, or put on shore on any other days except between the hours of eight o'clock in the morning and four o'clock in the afternoon from the first day of March to the thirty-first day of October both inclusive, and between the hours of nine o'clock in the morning and four o'clock in the afternoon during the remainder of the year, or between such other hours as may be appointed by the Commissioners of Customs; nor shall any goods whatever be unshipped or landed at any time unless in the presence or with the authority of the proper officer of customs, nor shall they be so landed except at some legal quay, wharf, or other place duly appointed for the landing or unshipping of goods, nor shall any goods after having been unshipped or put into any boat or craft to be landed be transhipped or removed into any other boat or craft previously to their being

landed, without the permission of the proper officer of customs; and if any goods shall be unshipped or removed from any importing ship for the purpose of being landed they shall be forthwith taken to and landed at the wharf, quay, or other place at which the same are intended to be landed. If any goods shall be unshipped, landed, transhipped, removed, or dealt with contrary to the provisions of this section they shall be forfeited, together with the barge, lighter, boat, or other vessel employed in removing the same.

Time and places for landing and shipping coastwise.

**10.** If any goods shall be unshipped from any ship arriving coastwise, or be shipped or waterborne to be shipped for carriage coastwise on Sundays or holidays, except by the special permission of the Commissioners of Customs, or on any other day unless in the presence or with the authority of the proper officer of customs, or unless at such times and places as shall be appointed or approved by him for that purpose, the same shall be forfeited, and the master of the ship shall forfeit the penalty of fifty pounds.

Specifications for free goods six days after clearance.

Forms Nos. 8 and 9.

**11.** The exporter of goods for which no bond is required shall (except as herein-after provided) within six days after the final clearance outwards of the exporting ship, or within such other period as the Commissioners of Customs may direct, either by himself or his agent, deliver to the proper officer of customs at the port of shipment a specification in the Form No. 8 or No. 9 in Schedule B. to the Customs Consolidation Act, 1876, according to the nature of the goods, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct, and shall subscribe the declaration at the foot thereof, and on the demand of the proper officer of customs shall produce the invoice bills of lading and other documents relating to the goods to test the accuracy of such specification; and on failure to comply with any of the foregoing requirements, the exporter or agent shall for every such offence forfeit five pounds; and in case any of the particulars contained in any such specification shall be incorrect or inaccurate, the person subscribing the declaration shall forfeit the like penalty.

Except as to salmon.

Provided always that no salmon shall be shipped to be exported without previous entry thereof in accordance with the Salmon Fishery Acts for the time being, nor except upon due compliance in all other respects with the provisions of such Acts.

Persons may be searched if officers have reason to suspect smuggled goods are concealed upon them.

**12.** Any officer of customs or other person duly employed in the prevention of smuggling may search any person on board any ship or boat within the limits of any port in the United Kingdom or the Channel islands, or any person who shall have landed from any ship or boat, provided such officer or other person duly employed as aforesaid shall have good reason to suppose that such person is carrying or has any uncustomed or prohibited goods about his person.

A person shall be guilty of an offence —

Rescuing goods.

(1.) If he staves, breaks, or destroys any goods to prevent the seizure thereof by an officer of customs or other person authorized to seize the same.

(2.) If he rescues, or staves, breaks or destroys to prevent the securing thereof any goods seized by an officer of customs or other person authorized to seize the same.

Rescuing persons.

(3.) If he rescues any person apprehended for any offence punishable by fine or imprisonment under the Customs Acts.

(4.) If he prevents the apprehension of any such person.

Assaulting or obstructing officers.

(5.) If he assaults or obstructs any officer of customs, or any officer of the Army, Navy, Marines, Coast Guard, or other person duly employed for the prevention of smuggling, going, remaining, or returning from on board a ship or boat within the limits of any port in the United Kingdom or the Channel islands, or in searching such a ship or boat, or in searching a person who has landed from any such ship or boat, or in seizing any goods liable to forfeiture under the Customs Acts, or otherwise acting in the execution of his duty.

Attempting the foregoing offences.

(6.) If he attempts or endeavours to commit, or aids, abets, or assists in the commission of any of the offences mentioned in this section.

Penalty.

And a person so offending shall for each such offence forfeit the penalty of not exceeding one hundred pounds, and he may either be detained or proceeded against by information and summons.

Certain sections of this Act incorporated in 39 & 40 Vict. c. 36.

**13.** Sections five, six, nine, ten, eleven, and twelve of this Act shall be deemed and taken to be incorporated in and form part of the Customs Consolidation Act, 1876, and shall be read and construed therewith, and the provisions of that Act shall be deemed to relate to and be applicable to such sections in the same manner and to the same extent as if the same sections had been originally enacted therein; and each of the said sections nine, ten, eleven, and twelve shall take the place of sections forty-eight, one hundred and forty-three, one hundred and ten, and one hundred and eighty-four respectively of the said Act, and section eight of this Act shall apply to the Isle of Man, so far as relates to all spirits charged with duty by reference to hydrometer strength.

*As to Excise.*

Brewer's licence. Annual value of house exceeding 10*l.* and not exceeding 15*l.*

**14.** (1.) On and after the first day of October, one thousand eight hundred and eighty-one, there shall be granted and paid on a licence to be taken out annually by a brewer (not being a brewer for sale) who shall be the occupier of a house of an annual value exceeding ten pounds, and not exceeding fifteen pounds, the duty of - - - - - £0 9*s.* 0*d.*

(2.) The provisions in sub-sections two and three of section ten of the Inland Revenue Act, 1880, shall apply to such licence as if it had been one of the licences mentioned in sub-section one of that section.

Provisions with regard to brewers other than brewers for sale.

**15.** (1.) In charging the duty on beer brewed by a brewer other than a brewer for sale under section thirteen of the Inland Revenue Act, 1880, a deduction of six per centum shall be made from the quantity of worts deemed to have been brewed by him by relation to materials.

(2.) The exemption from the duty on beer under section thirty-three of the said Act shall extend to beer brewed by a brewer other than a brewer for sale, occupying a house of an annual value exceeding ten pounds but not exceeding fifteen pounds, provided that the beer is brewed solely for his own domestic use.

(3.) A licence to a brewer other than a brewer for sale shall not authorise the brewing of beer in more than one house to be mentioned therein, nor shall such a licence be transferred to any person other than the widow of the person to whom the same was granted or to his executors or administrators or assignee or trustee in bankruptcy.

(4.) The term "house" as used in this section and in sections thirty-three and thirty-four of the said Act means and includes a dwelling-house together with the offices, courts, yards, and gardens occupied therewith.

(5.) The annual value of a house occupied by a brewer other than a brewer for sale shall be ascertained by such means as the Commissioners of Inland Revenue shall think fit, but an appeal shall lie from their valuation to the Commissioners for the general purposes of Income Tax for the division in which the house is situate, and their decision shall be final.

Allowance granted to rectifiers and compounders on spirits exported.

**16.** The allowance of threepence per gallon, payable to any licensed rectifier or compounder under section four of the Act of the twenty-third and twenty-fourth years of Her Majesty's reign, chapter one hundred and twenty-nine, or section twelve of the Act of the twenty-eighth and twenty-ninth years of Her Majesty's reign, chapter ninety-eight, shall be increased to fourpence per gallon.

*Miscellaneous.*

Provisions as to warehousing foreign wine in an excise warehouse.

**17.** (1.) Foreign wine warehoused in a customs warehouse of which an account has been taken by the proper officer of customs, may, upon such security being given, and subject to such regulations being observed as the Commissioners of Customs or the Commissioners of Inland Revenue respectively shall from time to time prescribe, be removed, without payment of duty, to an excise warehouse, and from thence to any other excise or customs warehouse or for exportation or ships' stores.

(2.) Foreign wine warehoused in an excise warehouse, may, upon payment of the proper duties of customs, be delivered for home consumption.

43 & 44 Vict. c. 24.

(3.) The enactments contained in the Spirits Act, 1880, in relation to a proprietor or occupier of an excise warehouse, and to a proprietor of spirits warehoused, and to the warehousing and treatment of spirits in an excise warehouse, and the delivery of the same thereout, and the collecting and accounting for the duty thereon, shall have effect in relation to foreign wine warehoused in the same manner and to the same extent as if the term foreign wine was included in the term spirits, wherever used in those enactments.

Goods liable to a duty of customs or excise may be warehoused in a customs or excise warehouse.

**18.** (1.) Subject to such regulations as the Commissioners of Customs or the Commissioners of Inland Revenue may from time to time prescribe, goods of any description liable to a duty of customs or excise may be warehoused in any customs or excise warehouse approved by the Commissioners of Her Majesty's Treasury for the purpose.

(2.) All the powers, provisions, regulations, and penalties contained in or imposed by any Act relating to the customs and excise respectively as to the warehousing, custody, and delivery out of warehouse of goods liable to a duty of customs or excise, and as

to any deficiencies therein, or allowances thereon, shall where applicable be observed, applied, enforced, and put into execution with reference to such goods warehoused in excise and customs warehouses respectively.

## PART II.

### TAXES.

Grant of duties of income tax.

**19.** There shall be charged, collected, and paid for the year commencing on the sixth day of April one thousand eight hundred and eighty-one, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A), (C), (D), or (E), of the said Act, the duty of fivepence;

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B) of the said Act.

In England, the duty of twopence halfpenny;

In Scotland and Ireland respectively, the duty of one penny three farthings.

Provisions of Income Tax Acts to apply to duties hereby granted.

**20.** All such provisions contained in any Act relating to income tax as are now in force shall have full force and effect with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act.

Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

**21.** In order to insure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and eighty-two, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April one thousand eight hundred and eighty-two shall have full force and effect with respect to the duties of income tax which may be so granted in the same manner as if the said duties had been actually granted, and the said provisions had been applied thereto by an Act of Parliament passed on that day.

Assessment of income tax under Schedules (A) and (B) and of the inhabited house duties for the year 1881-82. 32 & 33 Vict. c. 67.

**22.** With respect to the assessment of the duties of income tax hereby granted under Schedules (A) and (B) in respect of property elsewhere than in the Metropolis as defined by the Valuation (Metropolis) Act, 1869, and of the duties on inhabited houses elsewhere than in the said Metropolis, for the year commencing, as respects England, on the sixth day of April, and as respects Scotland, on the twenty-fourth day of May, one thousand eight hundred and eighty-one, the following provisions shall have effect:—

(1.) The inspectors or surveyors of taxes shall be the assessors for the said duties, and in lieu of the poundage by law granted to be divided between the assessors and collectors in regard to such duties there shall be paid a poundage of three half-pence to the collectors thereof.

(2.) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April, one thousand eight hundred and eighty, and the sum charged as the annual value of every

inhabited house in the assessment made thereon for the same year as respects England, and as respects Scotland for the year which commenced on the twenty-fifth day of May, one thousand eight hundred and eighty, shall be taken as the annual value of such property or of such inhabited house for the assessment and charge thereon of the duties of income tax hereby granted or of the duties on inhabited houses, to all intents and purposes as if such sum had been estimated to be the annual value in conformity with the provisions in that behalf contained in the Acts relating to income tax and the duties on inhabited houses respectively.

(3.) The Commissioners executing the said Act shall, for each place within their district, cause duplicates of the assessments to be made out and delivered to the collectors, together with the warrants for collecting the same.

Particulars to be stated in collectors receipts.

**23.** Where any collector of the duties on inhabited houses and of income tax under Schedules A. and B. has not, in a demand note delivered previous to payment, distinctly described the property assessed, and specified the amount of the assessment, and the rate at which the duties are charged, the description of the property, the amount of the assessment, and the rate of charge shall be specified in the receipt.

Interpretation of "servant" and "other person" in exemption from inhabited house duty. 41 & 42 Vict. c. 15.

**24.** With reference to the exemption from the duties on inhabited houses given by sub-section two of section thirteen of the Customs and Inland Revenue Act, 1878, the term "servant" shall be deemed to mean and include only a menial or domestic servant employed by the occupier, and the expression "other person" shall be deemed to mean any person of a similar grade or description not otherwise employed by the occupier, who shall be engaged by him, to dwell in the house or tenement solely for the protection thereof.

Amendment of 43 & 44 Vict. c. 19. s. 53.

**25.** Sub-section one of section fifty-three of the Taxes Management Act, 1880, shall not apply to Scotland.

## PART III.

## STAMPS.

*As to Probate and Legacy Duties, and Duties on Accounts.*

Stamp duties to be under the care and management of the Commissioners of Inland Revenue.

**26.** (1.) The stamp duties herein-after imposed shall be under the care and management of the Commissioners of Inland Revenue, who by themselves and their officers shall have the same powers and authorities for the collection, recovery, and management thereof as are by law vested in them for the collection, recovery, and management of any stamp duties, and shall have all other powers and authorities requisite for carrying into effect the provisions of this Act in relation to such stamp duties.

(2.) Such stamp duties may be denoted by impressed or adhesive stamps, or partly by impressed stamps and partly by adhesive stamps, as the said Commissioners may think proper.

(3.) As respects the duties imposed on affidavits in substitution for the duties on probates or letters of administration, the several provisions now in force in relation to the last-mentioned duties shall, so far as the same are consistent with the provisions of this Act, be deemed to be applicable to the said duties hereby imposed, and in the application thereof a probate or letters of adminis-

tration having thereon such a certificate as is herein-after mentioned shall for all purposes be deemed to have been duly stamped in respect of the value stated in the certificate.

Grant of duties in respect of probate and letters of administration and on inventories.

**27.** The duties imposed by the Customs and Inland Revenue Act, 1880, upon probates of wills and letters of administration in England and Ireland shall not be payable upon probates or letters of administration granted on and after the first day of June one thousand eight hundred and eighty-one; and on and after that day in substitution for such duties, and in lieu of the duties imposed by the said Act upon inventories in Scotland, there shall, save as is herein-after expressly provided, be charged and paid on the affidavit to be required and received from the person applying for the probate or letters of administration in England or Ireland, or on the inventory to be exhibited and recorded in Scotland, the stamp duties herein-after specified; (that is to say,)

| | DUTY. |
|---|---|
| Where the estate and effects for or in respect of which the probate or letters of administration is or are to be granted, or whereof the inventory is to be exhibited and recorded, exclusive of what the deceased shall have been possessed of or entitled to as trustee, and not beneficially, shall be above the value of 100*l.*, and not above the value of 500*l.* - - | At the rate of one pound for every full sum of 50*l.*, and for any fractional part of 50*l.* over any multiple of 50*l.*; |
| Where such estate and effects shall be above the value of 500*l.*, and not above the value of 1,000*l.* - - | At the rate of one pound five shillings for every full sum of 50*l.*, and for any fractional part of 50*l.* over any multiple of 50*l.*; |
| Where such estate and effects shall be above the value of 1,000*l.* - - - | At the rate of three pounds for every full sum of 100*l.*, and for any fractional part of 100*l.* over any multiple of 100*l.* |

Provided that an additional inventory, to be exhibited or recorded in Scotland, of any effects of a deceased person, where a former inventory of the estate and effects of the same person has been exhibited and recorded prior to the first day of June one thousand eight hundred and eighty-one, shall be chargeable with the amount of stamp duty with which it would have been chargeable if this Act had not been passed.

Power to deduct debts and funeral expenses where deceased died domiciled in the United Kingdom.

**28.** On and after the first day of June one thousand eight hundred and eighty-one, in the case of a person dying domiciled in any part of the United Kingdom, it shall be lawful for the person applying for the probate or letters of administration in England or Ireland, or exhibiting the inventory in Scotland, to state in his affidavit the fact of such domicile, and to deliver therewith or annex thereto a schedule of the debts due from the deceased to persons resident in the United Kingdom, and the funeral expenses, and in that case, for the purpose of the charge of duty on the affidavit or inventory, the aggregate amount of the debts and funeral expenses appearing in the schedule shall be deducted from the value of the estate and effects as specified in the account delivered with or annexed to the affidavit, or whereof the inventory shall be exhibited.

Debts to be deducted under the power hereby given shall be debts due and owing from the deceased and payable by law out of any part of the estate and effects comprised in the affidavit or inventory, and are not to include voluntary debts expressed to be payable on the death of the deceased, or payable under any instrument which shall not have been bonâ fide delivered to the donee thereof three months before the death of the deceased, or debts in respect whereof any real estate may be primarily liable or a reimbursement may be capable of being claimed from any real estate of the deceased or from any other estate or person.

Funeral expenses to be deducted under the power hereby given shall include only such expenses as are allowable as reasonable funeral expenses according to law.

As to forms of affidavit.

**29.** The affidavit to be required or received from any person applying for probate or letters of administration in England or Ireland shall extend to the verification of the account of the estate and effects, or to the verification of such account and the schedule of debts and funeral expenses, as the case may be, and shall be in accordance with such form as may be prescribed by the Commissioners of Her Majesty's Treasury; and the Commissioners of Inland Revenue shall provide forms of affidavit stamped to denote the duties payable under this Act.

Probate or letters of administration to bear a certificate in lieu of stamp duty.

**30.** No probate or letters of administration shall be granted by the Probate, Divorce, and Admiralty Division of the High Court of Justice in England, or by the Probate and Matrimonial Division of the High Court of Justice in Ireland, unless the same bear a certificate in writing under the hand of the proper officer of the court, showing that the affidavit for the Commissioners of Inland Revenue has been delivered, and that such affidavit, if liable to stamp duty, was duly stamped, and stating the amount of the gross value of the estate and effects as shown by the account.

Provision for return of duty overpaid.

**31.** If at any time after the grant of probate or letters of administration, and during the administration of the estate, the value mentioned in the certificate of the officer of the court shall be found to exceed the true value of the personal estate and effects of the deceased, or if at any time within three years after the grant, or within such further period as the Commissioners of Inland Revenue may allow, it shall appear that no amount or an insufficient amount was deducted on account of debts and funeral

expenses, it shall be lawful for the said Commissioners, upon proof of the facts to their satisfaction, to return the amount of stamp duty which shall have been overpaid, and to cause a certificate to be written by an authorised officer on the probate or letters of administration setting forth such true value, or, as the case may be, the amount, or corrected amount of deduction, and such certificate shall be substituted for, and have the same force and effect as, the certificate of the officer of the court.

Provision for payment of further duty.

**32.** If at any time it shall be discovered that the personal estate and effects of the deceased were at the time of the grant of probate or letters of administration of greater value than the value mentioned in the certificate, or that any deduction for debts or funeral expenses was made erroneously, the person acting in the administration of such estate and effects shall, within six months after the discovery, deliver a further affidavit with an account to the Commissioners of Inland Revenue, duly stamped for the amount which, with the duty (if any) previously paid on an affidavit in respect of such estate and effects, shall be sufficient to cover the duty chargeable according to the true value thereof, and shall at the same time pay to the said Commissioners interest upon such amount at the rate of five pounds per centum per annum from the date of the grant, or from such subsequent date as the said Commissioners may in the circumstances think proper.

The Commissioners of Inland Revenue, upon the receipt of such affidavit duly stamped as aforesaid, shall cause a certificate to be written by an authorised officer on the probate or letters of administration setting forth the true value of the estate and effects as then ascertained, or, as the case may be, the corrected amount of deduction, and such certificate shall be substituted for, and have the same force and effect as, the certificate of the officer of the court.

Provisions as to obtaining probate, &c. where gross value of estate does not exceed 300*l.*

**33.** (1.) Where the whole personal estate and effects of any person dying on or after the first day of June one thousand eight hundred and eighty-one (inclusive of property by law made such personal estate and effects for the purpose of the charge of duty, and any personal estate and effects situate out of the United Kingdom), without any deduction for debts or funeral expenses, shall not exceed the value of three hundred pounds, it shall be lawful for the person intending to apply for probate or letters of administration in England or Ireland, to deliver to the proper officer of the court or to any officer of Inland Revenue duly appointed for the purpose, a notice in writing in the prescribed form, setting forth the particulars of such estate and effects, and such further particulars as may be required to be stated therein, and to deposit with him the sum of fifteen shillings for fees of court and expenses, and also, in case the estate and effects shall exceed the value of one hundred pounds, the further sum of thirty shillings for stamp duty.

(2.) If the officer has good reason to believe that the whole personal estate and effects of the deceased exceeds the value of three hundred pounds, he shall refuse to accept the notice and deposit until he is satisfied of the true value thereof.

(3.) The principal registrars of the Probate, Divorce, and Admiralty Division of the High Court of Justice in England, and

of the Probate and Matrimonial Division of the High Court of Justice in Ireland, in communication with the Commissioners of Inland Revenue, shall prescribe the form of notice, and make such regulations as may be necessary with respect to the transmission of notices by officers of Inland Revenue, the steps to be taken for the preparation and filling up of forms and documents, and generally all matters which may be necessary, so as to authorise the grant of probate or letters of administration.

(4.) Officers of Inland Revenue are hereby empowered to administer all necessary oaths or affirmations, and in the case of letters of administration, to attest the bond and accept the same on behalf of the President or Judge of the Division.

(5.) Where the estate and effects shall exceed the value of one hundred pounds, the stamp duty payable on the affidavit for the Commissioners of Inland Revenue shall be the fixed duty of thirty shillings, and no more.

Provision as to inventories where gross value of estate does not exceed 300*l.* 39 & 40 Vict. c. 24. 39 & 40 Vict. c. 70.

**34.** (1.) The Intestates, Widows, and Children (Scotland) Act, 1875, and the Small Testate Estate (Scotland) Act, 1876, as amended by the Sheriffs Court (Scotland) Act, 1876, shall be extended so as to apply to any case where the whole personal estate and effects of a person dying on or after the first day of June one thousand eight hundred and eighty-one, without any deduction for debts or funeral expenses, shall not exceed the value of three hundred pounds, whoever may be the applicant for representation, and wheresoever the deceased may have been domiciled at the time of death, and the fees payable under Schedule C. of each of the two first-mentioned Acts shall not exceed the sum of fifteen shillings, inclusive of the fee of two shillings and sixpence, to be paid to the commissary clerk, or sheriff clerk.

(2.) In any such case where the estate and effects shall exceed the value of one hundred pounds, the stamp duty payable on the inventory shall be the fixed duty of thirty shillings, and no more.

Provision in case of subsequent discovery that the value of estate exceeded 300*l.*

**35.** Where representation has been obtained in conformity with either of the two preceding sections, and it shall be at any time afterwards discovered that the whole personal estate and effects of the deceased were of a value exceeding three hundred pounds, then a sum equal to the stamp duty payable on an affidavit or inventory in respect of the true value of such estate and effects shall be a debt due to Her Majesty from the person acting in the administration of such estate and effects, and no allowance shall be made in respect of the sums deposited or paid by him, nor shall the relief afforded by the next succeeding section be claimed or allowed by reason of the deposit or payment of any sum.

Relief from legacy duty in cases under 300*l.*

**36.** The payment of the sum of thirty shillings for the fixed duty on the affidavit or inventory in conformity with this Act shall be deemed to be in full satisfaction of any claim to legacy duty or succession duty in respect of the estate or effects to which such affidavit or inventory relates.

Power to Commissioners to require explanations

**37.** It shall be lawful for the Commissioners of Inland Revenue at any time, and from time to time within three years after the grant of probate or letters of administration or recording of

and proof in support of affidavit or inventory.

inventory, as they may think necessary, to require the person acting in the administration of the estate and effects of any deceased person, to furnish such explanations, and to produce such documentary or other evidence respecting the contents of, or particulars verified by, the affidavit or inventory as the case may seem to them to require.

Grant of duties on accounts of certain property.

**38.** (1.) Stamp duties at the like rates as are by this Act charged on affidavits and inventories shall be charged and paid on accounts delivered of the personal or moveable property to be included therein according to the value thereof.

(2.) The personal or moveable property to be included in an account shall be property of the following descriptions, viz. :—

(*a.*) Any property taken as a donatio mortis causâ made by any person dying on or after the first day of June one thousand eight hundred and eighty-one, or taken under a voluntary disposition, made by any person so dying, purporting to operate as an immediate gift inter vivos whether by way of transfer, delivery, declaration of trust or otherwise, which shall not have been bonâ fide made three months before the death of the deceased.

(*b.*) Any property which a person dying on or after such day having been absolutely entitled thereto, has voluntarily caused or may voluntarily cause to be transferred to or vested in himself and any other person jointly whether by disposition or otherwise, so that the beneficial interest therein or in some part thereof passes or accrues by survivorship on his death to such other person.

(*c.*) Any property passing under any past or future voluntary settlement made by any person dying on or after such day by deed or any other instrument not taking effect as a will, whereby an interest in such property for life or any other period determinable by reference to death is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right, by the exercise of any power, to restore to himself, or to reclaim the absolute interest in such property.

(3.) Where an account delivered duly stamped comprises property passing under a voluntary settlement, and, upon the production of the settlement, it shall appear that the stamp duty of five shillings per centum has been paid thereon according to the amount or value of the property so passing, or any part thereof, the amount of such stamp duty shall be returned to the person delivering the account.

Delivery of accounts on oath.

**39.** Every person who as beneficiary, trustee, or otherwise, acquires possession, or assumes the management, of any personal or moveable property of a description to be included in an account according to the preceding section shall upon retaining the same for his own use, or distributing or disposing thereof, and in any case within six calendar months after the death of the deceased deliver to the Commissioners of Inland Revenue a full and true account, verified by oath, of such property duly stamped as required by this Act. Any officer authorised by the Commissioners for the purpose may administer the oath.

Double duty payable in case of default.

**40.** If any person who ought to obtain probate or letters of administration or deliver a further affidavit or to exhibit an inventory or who is required to deliver such account as aforesaid shall neglect to do so within the period prescribed by law for the purpose, he shall be liable to pay to Her Majesty double the amount of duty chargeable, and the same shall be a debt due from him to the Crown, and be recoverable by any of the ways or means now in force for the recovery of probate, legacy, or succession duties.

Cesser of legacy and succession duties at the rate of one per cent. in certain cases.

**41.** In respect of any legacy, residue, or share of residue payable out of, or consisting of any estate or effects according to the value whereof duty shall have been paid on the affidavit or inventory or account, in conformity with this Act, the duty at the rate of one pound per centum imposed by the Act of the fifty-fifth year of King George the Third, chapter one hundred and eighty-four shall not be payable;

And in respect of any succession to property according to the value whereof duty shall have been paid on the affidavit or inventory or account in conformity with this Act, the duty at the rate of one pound per centum imposed by the Succession Duty Act, 1853, shall not be payable. 16 & 17 Vict. c. 51.

Charge of legacy duty on legacies not amounting to 20*l.*

**42.** Subject to the relief from legacy duty given by section thirteen of the Customs and Inland Revenue Act, 1880, every pecuniary legacy or residue or share of residue under the will or the intestacy of a person dying on or after the first day of June one thousand eight hundred and eighty-one, although not of an amount or value of twenty pounds, shall be chargeable to the duties imposed by the said Act of the fifty-fifth year of King George the Third, chapter one hundred and eighty-four, as modified by this Act.

Power to Commissioners to accept composition for legacy duty under a will.

**43.** It shall be lawful for the Commissioners of Inland Revenue, upon the application of the person acting in the execution of the will of any deceased person, and upon the delivery to them of an account showing the amount of the estate and effects in respect whereof legacy duty is payable, together with the names or description or class of the persons entitled thereto and every part thereof, in possession or expectancy, and their degrees of consanguinity to the testator, to assess the duty upon the amount shown by the said account at such a sum by way of composition as, having regard to the circumstances, shall appear to be proper, and to accept payment of the duty so assessed in full discharge of all claims for legacy duty under such will.

If the Commissioners are of opinion that an application should receive the assent of any person, they shall refuse to entertain the application until such assent shall have been given.

*Miscellaneous.*

Amendments of 33 & 34 Vict. c. 97.

**44.** On and after the first day of June one thousand eight hundred and eighty-one, the Stamp Act, 1870, shall be amended as follows:

(*a.*) Section sixteen in relation to the production of instruments in evidence shall apply to such production in all proceedings before an arbitrator or referee, and for the purposes of such

application the arbitrator or referee shall be "the officer" as well as "the judge" in the said section mentioned:

(*b.*) Sub-section (2) of section one hundred and seventeen in relation to the time within which a policy of sea insurance made or executed out of the United Kingdom may be stamped, shall be read as if the words "fourteen days" were substituted therein for the words "two months":

(*c.*) Section one hundred and nineteen shall not apply so as to allow the ad valorem stamp duties on policies of insurance upon any life or lives, or upon any event or contingency relating to or depending upon any life or lives, to be denoted by adhesive stamps.

Stamp duty on transfers of county stock.

**45.** Where the justices of any county, liberty, riding, parts, or division of a county, shall be empowered by any Act of Parliament to create "county stock," the transfers of such stock shall be chargeable with stamp duty as if they were transfers of the debenture stock of a company or corporation.

Stamp duty on stock certificates to bearer. 38 & 39 Vict. c. 83.

**46.** (1.) Every "stock certificate to bearer" which shall, after the passing of this Act, be issued under the provisions of the Local Authorities Loans Act, 1875, or of any other Act authorising the creation of debenture stock, county stock, corporation stock, municipal stock, or funded debt, by whatever name known, shall be charged with the stamp duty of seven shillings and sixpence, for every full sum of one hundred pounds, and also for any fraction less than one hundred pounds, or over and above one hundred pounds, or a multiple of one hundred pounds, of the nominal amount of the stock described in the certificate.

(2.) Where the holder of any stock certificate to bearer so issued shall have been entered on the register of the local authority as the owner of the share of stock described in the certificate, such certificate shall be forthwith cancelled so as to be incapable of being re-issued to any person.

(3.) The foregoing charge of stamp duty shall not be applicable where a composition has been paid under the provisions of the section fifty-three of the Inland Revenue Act, 1880, for the stamp duty on transfers of the stock described in the certificate.

(4.) Every person and body of persons, whether corporate or unincorporate, by whom a "stock certificate to bearer" is issued without being duly stamped, shall forfeit the sum of fifty pounds.

Stamp duties of one penny may be denoted by postage stamps, and vice versâ.

**47.** On and after the first day of June one thousand eight hundred and eighty-one any stamp duties of one penny which may legally be denoted by adhesive stamps not appropriated by any word or words on the face of them to any particular description of instrument, may be denoted by adhesive penny postage stamps; and on and after that day postage duties may be paid by the use of penny adhesive stamps not appropriated by any word or words on the face of them to postage duty, or to any particular description of instrument.

Repeal of enactments in schedule.

**48.** The enactments described in the schedule to this Act are hereby repealed, to the extent in the said schedule mentioned: Provided that this repeal shall not affect the past operation of any enactment hereby repealed, or the liability for, or recovery

of, any duties heretofore charged, or interfere with the institution or prosecution of any proceeding in respect of any offence committed, or any penalty or forfeiture incurred against or under any enactment hereby repealed.

## The SCHEDULE.

| Session and Chapter. | Title of Act. | Extent of Repeal |
|---|---|---|
| 3 & 4 Vict. c. 96. | An Act for the Regulation of the Duties of Postage. | Section twenty. |
| 23 & 24 Vict. c. 129. | An Act to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands. | Sections two and three. |
| 30 & 31 Vict. c. 23. | An Act to grant and alter certain Duties of Customs and Inland Revenue, and for other purposes relating thereto. | Sections five and six, and Schedule E. |
| 32 & 33 Vict. c. 103. | An Act to amend the Law relating to the warehousing of Wines and Spirits in Customs and Excise Warehouses, and for other purposes relating to Customs and Inland Revenue. | Sections three, four, five, nine, ten, and eleven. |
| 39 & 40 Vict. c. 35. | An Act for Consolidating the Duties of Customs. | The Schedule in part, namely, from "Beer and ale, viz.," to "exportation of Beer," and from "Spirits or Strong Waters" to "duty as such," and so far as it relates to the duty on essence of spruce. |
| 39 & 40 Vict. c. 36. | An Act to Consolidate the Customs Laws. | Sections forty-eight, one hundred and ten, one hundred and forty-three, one hundred and eighty-four, and one hundred and eighty-seven. |

# CHAPTER 13.

An Act to amend the Municipal Elections Amendment (Scotland) Act, 1868. [3rd June 1881.]

WHEREAS in the Act thirty-two and thirty-three Victoria, chapter fifty-five, it is provided that in that Act, and other Acts of Parliament therein recited, whenever words occur which import the masculine gender the same shall be held to include females for all purposes connected with and having reference to the right to vote in the election of town councillors in England:

And whereas it is expedient that in this respect the municipal franchise in Scotland shall be assimilated to that of England:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited for all purposes as the Municipal Elections Amendment (Scotland) Act, 1881.

Words importing masculine gender to include females. 31 & 32 Vict. c. 108.

**2.** In the Municipal Elections Amendment (Scotland) Act, 1868, and the various Acts therein recited prescribing the qualifications of voters at municipal elections in Scotland, whenever words occur which import the masculine gender the same shall be held for all purposes connected with and having reference to the right to vote in the election of town councillors, and also to nominate candidates for election to the said office, to include females who are not married and married females not living in family with their husbands; but such females shall not be eligible for election as town councillors.

Roll of municipal electors, how to be made up.

**3.** In any royal or parliamentary burgh in which the list or roll of persons entitled to vote in the election of the town council of such burgh is made up in the way and manner directed by the Municipal Elections Amendment (Scotland) Act, 1868, or by the said Act, and any Local Act or Acts of Parliament, such list or roll shall continue to be made up as heretofore, so far as regards the persons entitled under these Acts to vote in the election of the town council of such burgh; but in order that the females on whom the municipal franchise is by this Act conferred may be added to such list or roll, without necessitating the preparation of an entirely separate list or roll which shall include all the persons entitled to vote in the election of the town council of such burgh, it is hereby provided that the assessor appointed and acting under the Registration of Voters Acts in such burgh shall annually prepare a separate list of all females on whom the municipal franchise is by this Act conferred, and the same procedure shall be followed with reference to such separate list as is by the Registration of Voters Acts appointed to be followed with regard to the preparation, publication, completion, and otherwise of the register of parliamentary voters for burghs in Scotland; and such separate list, when completed in terms of the Registration of Voters Acts, shall, along with the list or roll of persons made up in terms of the Municipal Elections Amendment (Scotland) Act, 1868, or of the said Act, and any Local Act or Acts of Parliament, form together the list or roll of persons entitled to vote in the election of the town council of such burgh.

Act to be construed with 31 & 32 Vict. c. 108.

**4.** This Act shall be construed as one with the said Municipal Elections Amendment (Scotland) Act, 1868.

Extent of Act.

**5.** This Act shall apply to Scotland only.

Commencement of Act.

**6.** This Act shall come into operation on the first day of January one thousand eight hundred and eighty-two.

# CHAPTER 14.

An Act to enable County Authorities in South Wales to take over and contribute towards certain Bridges, and to remove doubts as to the liability to repair the Highways over and adjoining certain Bridges which have been rebuilt. [3rd June 1881.]

WHEREAS Part I. of the Highways and Locomotives (Amendment) Act, 1878, does not, except as to the twenty-seventh section thereof, apply to any county to which the Act passed in a session of Parliament holden in the twenty-third and twenty-fourth years of the reign of Her present Majesty, intituled "An Act for "the better management and control of the highways in South "Wales," extends: 41 & 42 Vict. c. 77. 23 & 24 Vict. c. 68

And whereas it is expedient that powers similar to those contained in sections twenty-one and twenty-two of the first-mentioned Act, and also in section two of the County Bridges Loans Extension Act, 1880, for taking over and contributing towards certain bridges and for borrowing money for the latter purpose, should be conferred upon the county authorities in South Wales: 43 & 44 Vict. c. 5.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Title and extent of Act.

**1.** This Act may be cited as the South Wales Bridges Act, 1881, and shall extend only to the several counties in South Wales; that is to say, the counties of Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke, and Cardigan

Certain existing bridges may be accepted by county authority. 43 G. 3. c. 59.

**2.** Any bridge erected before the passing of this Act in any county without such superintendence as is provided in section five of the statute of the forty-third year of King George the Third, chapter fifty-nine, and which is certified by the county surveyor or other person appointed in that behalf by the county authority to be in good repair and condition, shall, if the county authority see fit so to order, become and be deemed to be a bridge which the inhabitants of the county shall be liable to maintain and repair.

Contribution out of county rates towards erecting bridges.

**3.** The county authority may make such contribution as it sees fit out of the county rates towards the cost of any bridge to be hereafter erected, after the same has been certified, in accordance with the provisions of section five of the statute of the forty-third year of King George the Third, chapter fifty-nine, as a proper bridge to be maintained by the inhabitants of the county; so always that such contribution shall not exceed one half of the cost of erecting such bridge.

Extension of power to borrow under 4 & 5 Vict. c. 49.

**4.** Where the county authority see fit to make a contribution towards the cost of a bridge erected as in this Act mentioned, they may borrow on mortgage of the county rate all or any part of the amount of such contribution, in the same manner in every respect as if the amount to be borrowed had been the amount of an estimate made and approved in the manner mentioned in the Act passed in a session of Parliament holden in the fourth and fifth years of the reign of Her present Majesty, intituled "An Act to "provide for repairing, improving, and rebuilding county bridges," 4 & 5 Vict. c. 49.

and all the powers, directions, and provisions of that Act shall extend and apply to the moneys borrowed under this Act; provided that the sum required for or towards any such contribution as aforesaid may be borrowed in exercise of the power hereby conferred, although the same shall not exceed one fourth of the amount of the ordinary annual assessment referred to in the said Act of the fourth and fifth years of the reign of Her present Majesty.

Repair of roads over and adjoining bridges rebuilt.

**5.** Where a bridge has been or shall be built by the county authority, or, with their consent, in substitution for another bridge which the county authority were liable to repair, the liability to repair the highway leading to, passing over, and next adjoining the bridge so substituted shall attach to the county authority, highway authority, person or persons who were liable to repair the highway leading to, passing over, and next adjoining the bridge previously existing, whether the substituted bridge is built on the same site or not.

Interpretation.

**6.** In this Act—

"County" means any county, division, or liberty having a separate court of quarter sessions of the peace:

"County authority" means the justices of a county in general or quarter sessions assembled:

"Highway authority" includes a county roads board, highway board, and any other body of persons liable to repair the highways.

## CHAPTER 15.

**An Act to apply the sum of Six million nine hundred and seventy-five thousand six hundred and twenty-seven pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-two.**

[27th June 1881.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 6,975,627*l.* out of the Consolidated Fund for the service of the year ending 31st March 1882.

**1.** The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight

hundred and eighty-two the sum of six million nine hundred and seventy-five thousand six hundred and twenty-seven pounds.

Power to the Treasury to borrow.

**2.** The Commissioners of the Treasury may borrow from time to time on the credit of the said sum any sum or sums not exceeding in the whole the sum of six million nine hundred and seventy-five thousand six hundred and twenty-seven pounds, and shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

**3.** This Act may be cited as the Consolidated Fund (No. 3) Act, 1881.

# CHAPTER 16.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. [27th June 1881.]

7 & 8 Geo. 4. c. 75.

WHEREAS an Act was passed in the seventh and eighth years of the reign of His Majesty King George the Fourth, intituled "An Act to appoint Commissioners for carrying into execution several Acts granting an aid to His Majesty by a land tax to be raised in Great Britain, and continuing to His Majesty certain duties on personal estates, offices, and pensions in England:"

9 Geo. 4. c. 38. 2 & 3 Will. 4. c. 127. 3 & 4 Will. 4. c. 95. 6 & 7 Will. 4. c. 80. 1 & 2 Vict. c. 57. 7 & 8 Vict. c. 79. 11 & 12 Vict. c. 62. 16 & 17 Vict. c. 111. 20 & 21 Vict. c. 46. 26 & 27 Vict. c. 101. 29 & 30 Vict. c. 59. 30 & 31 Vict. c. 51. 32 & 33 Vict. c. 64. 37 & 38 Vict. c. 18. 42 & 43 Vict. c. 52.

And whereas several Acts have since been passed appointing additional Commissioners for carrying those Acts into execution:

And whereas it is expedient to appoint additional persons to put into execution the several Acts for granting an aid to Her Majesty by a land tax in Great Britain and several other Acts for continuing or granting to Her Majesty rates and taxes:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Persons named in a schedule signed by the Clerk of the House of Commons to be additional Commissioners.

**1.** The several and respective persons named in a schedule signed by and deposited with the Clerk of the House of Commons shall and may be and are hereby empowered and authorised (being duly qualified) to put in execution the said Acts, and all the clauses, powers, matters, and things whatsoever therein contained, as Commissioners in and for the several and respective counties, shires, and places in England and Wales in the said schedule severally and respectively mentioned and expressed, as fully and effectually as if they had been named with the other Commissioners in the said recited Act passed in the seventh and eighth years of the reign of His Majesty King George the Fourth; and on the passing of this Act the said schedule shall be printed in the London Gazette, which shall be sufficient evidence of such schedule for all purposes whatsoever.

7 & 8 Geo. 4. c. 75.

# CHAPTER 17.

An Act to amend the Tramways (Ireland) Acts, 1860, 1861, and 1871. [27th June 1881.]

23 & 24 Vict. c. 152. 24 & 25 Vict. c. 102. 34 & 35 Vict. c. 114.

WHEREAS by the Tramways (Ireland) Act, 1860, (herein-after called "the Act of 1860,") the Tramways (Ireland) Amendment Act, 1861, (herein-after called "the Act of 1861,") and by a subsequent Act passed in the session of Parliament held in the year 1871, and to be read as one with the foregoing Acts, and intituled "An Act to amend the Tramways (Ireland) Acts, 1860 "and 1861," (herein-after called "the Act of 1871,") (and which three said Acts of 1860, 1861, and 1871 are together herein-after referred to as "the Tramway Acts,") powers were conferred whereby persons desirous of promoting the construction of tramways in Ireland were enabled to make use, under proper control, of the public roads, post roads, and common highways, and certain lands contiguous thereto, subject to the provisions in the Tramway Acts contained:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited for all purposes as the Tramways (Ireland) Amendment Act, 1881.

Limitation of Act.

**2.** This Act shall only extend to Ireland.

Interpretation of terms.

**3.** In this Act—

The expression "the Lord Lieutenant in Council" means the Lord Lieutenant or other chief governor or governors of Ireland for the time being, acting by and with the advice of Her Majesty's Privy Council in Ireland.

Alteration of certain tolls in 23 & 24 Vict. c. 152., Sch. B.

**4.** From and after the passing of this Act, Schedule B. to the Act of 1860 shall be read and have effect as if under the head of "goods" in class 1 in lieu of the words "one penny" the words "three pence" had been inserted, and as if in paragraph six of the same schedule in relation to the maximum rate of charge in lieu of the words "one penny halfpenny" the words "three pence" had been inserted.

Regulations as to speed of locomotives on tramways.

**5.** Subject to the rules and regulations contained in section three of the Act of 1871, the Lord Lieutenant in Council, the grand jury of any county, or other authority empowered under the Tramway Acts to grant permission to construct a tramway or tramways, may permit the owners of any such tramway or tramways, or their servants duly authorised in that behalf, to drive any locomotive worked by steam along any such tramway at a speed not greater than ten miles an hour, or through any town or village at a speed not greater than six miles an hour, and where such permission has been obtained the provisions in section four of the Act of 1871 shall be deemed not to apply.

Alterations of 24 & 25 Vict. c. 102 s 9.

**6.** From and after the passing of this Act in any case in which a petition of appeal is presented to the Lord Lieutenant in Council against any undertaking which shall have been approved by the grand jury and the said appeal is not proceeded with it shall be considered as having entirely failed, and it shall not be necessary

for the promoters to get the said order confirmed by Act of Parliament as required by the ninth section of the Tramways (Ireland) Amendment Act of 1861.

Alterations of 23 & 24 Vict. c. 152. s. 6. and 34 & 35 Vict. c. 114. s. 4.

**7.** Where any tramway is proposed to be laid alongside any public road it shall not be necessary to construct as required by the sixth section of the Tramways (Ireland) Act, 1860, and of the Tramways (Ireland) Amendment Act of 1871 the same on a level with the said public road, provided that a clear roadway of eighteen feet is left between the said tramway and the opposite footpath, or roadside boundary in case there is no footpath, and that, in case any footpath be interfered with, the promoters make another footpath in place of that interfered with; provided also, that no such deviation from the ordinary level of the road shall be permitted unless authorised by the Lord Lieutenant in Council and by the grand jury of the county or other authority empowered under the Tramway Acts to grant permission for the construction of such tramway.

Tramway Acts and this Act to be read as one.

**8.** The Tramways Acts (as amended by this Act) and this Act shall be read together and construed as one Act.

# CHAPTER 18.

An Act to amend the law with respect to the payment of Clerks of Petty Sessions in Ireland.

[27th June 1881.]

WHEREAS it is inexpedient that the salary of petty sessions clerks should be varied according to the amount of fines levied by the courts of which they are officers and the stamps upon proceedings in such court:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Salaries of clerks of petty sessions in Ireland not to depend on amount of fines or petty sessions stamps.

**1.** The salaries and emoluments of the petty sessions clerks in Ireland shall not after the passing of this Act be raised or lowered on account of the amount of fines levied in the court of which they are clerks, or on account of the amount of petty sessions stamps used therein, but may be raised on account of the length of service, or for merit, or for new duties attached to the office, and shall not be liable to be reduced below the amount of the salary and emoluments at which the same were fixed at the time of his appointment, or any time during his tenure of office: Provided always, that it shall be lawful to reduce the salary for the office of clerk of any petty sessions court when the office is vacant.

Provisions for securing Petty Sessions Clerks Fund from variation.

**2.** To secure the Petty Sessions Clerks Fund on which the salaries and retiring allowances are charged from variation, it shall be lawful for the registrar of petty sessions clerks to deduct from any sum or sums payable by him to local authorities in Ireland such sum or sums as the Lord Lieutenant or Lords Justices or other Chief Governor or Chief Governors of Ireland shall for any calendar

year by any order or orders determine, and to add the amount of such deduction to the Petty Sessions Clerks Fund.

Sureties for petty sessions clerks.

**3.** It shall not be necessary for a petty sessions clerk to enter into a new bond with sureties on each occasion of increase in his salary, nor, except when by reason of the death or insolvency of his sureties or for other sufficient reason the Lord Lieutenant may consider such to be necessary, shall a new bond be required, but the original bond as against the original sureties shall remain of full force and effect notwithstanding such increase of salary.

Definition clause.

**4.** "Local authorities" shall mean the treasurers of counties and treasurers of boroughs to whom the surplus moneys arising from the sale of licences are payable under the Dogs Regulation (Ireland) Act, 1865, and any Act amending the same.

28 & 29 Vict. c. 50.

"Petty sessions clerks" shall include the registrar of petty sessions clerks and his clerks.

Superannuation.

**5.** The superannuation or retiring allowance of petty sessions clerks retiring from office through age or infirmity shall be estimated upon the salary of the office at the time of retiring, and shall be chargeable on the petty sessions clerks fund.

Short title.

**6.** This Act may be cited as the Petty Sessions Clerks (Ireland) Act, 1881.

## CHAPTER 19.

An Act for further regulating the Transmission of Newspapers. [18th July 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

For purposes of Act Channel Islands and Isle of Man part of United Kingdom.

**1.** For the purposes of this Act the Channel Islands and the Isle of Man shall be deemed parts of the United Kingdom.

Repeal of part of sect. 6 of 33 & 34 Vict. c. 79.

**2.** From and after the thirtieth day of September one thousand eight hundred and eighty-one, so much of section six of the Post Office Act, 1870, as requires that a publication, in order to be a newspaper for the purposes of that Act, shall be printed on a sheet or sheets unstitched, shall be repealed, but such repeal shall not extend to a supplement to a newspaper.

## CHAPTER 20.

An Act to amend the Law with respect to the Acquisition of Land and the Execution of Instruments for the purposes of the Post Office. [18th July 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

Short titles.

**1.** This Act may be cited as the Post Office (Land) Act, 1881.

The Acts set forth in the Schedule to this Act are in this Act referred to and may be cited by the short title in the third column of that schedule mentioned, and the said Acts, together with this Act, may be cited together as the Post Office (Management) Acts, 1837 to 1881.

1 Vict. c. 33, &c. 1 Vict. c. 36.

This Act shall be deemed to be a Post Office Act within the meaning of the Post Office (Offences) Act, 1837.

Commencement of Act.

**2.** This Act shall come into operation on the first day of September one thousand eight hundred and eighty-one (which day is in this Act referred to as the commencement of this Act).

*Acquisition of Land.*

Power of Postmaster-General for purchase of land. 8 & 4 Vict. c. 96. s. 67.

**3.** Whereas by the Post Office Duties Act, 1840, the Postmaster-General is constituted a body corporate for the purpose of holding and taking conveyances and leases of lands for the service of the Post Office, and it is expedient to give further powers for the acquisition of such lands: Be it therefore enacted as follows:

(1.) The Postmaster-General, with the consent of the Treasury, may purchase land for the purpose of the Post Office, and shall take and hold such land on behalf of Her Majesty for the service of the Post Office; and for the purposes of this Act the expression "land" shall include any right or easement in, over, or in respect of land.

(2.) With respect to any such purchase of land the following provisions shall have effect; (that is to say,)

8 & 9 Vict. c. 18.

(*a.*) The Lands Clauses Consolidation Act, 1845, and the Acts amending the same shall be incorporated with this Act, except the provisions relating to access to the special Act, and in construing those Acts for the purposes of this section "the "special Act" shall be construed to mean this Act, and "the "promoters of the undertaking" shall be construed to mean the Postmaster-General, and "land" shall be construed to have the same meaning as is given to it by this Act.

(*b.*) The bond required by section eighty five of the Lands Clauses Consolidation Act, 1845, shall be under the seal of the Postmaster-General, and shall be sufficient without sureties.

(*c.*) The provisions of the said incorporated Acts with respect to the purchase of land compulsorily shall not be put in force until the sanction of Parliament has been obtained in manner in this Act mentioned.

(*d.*) Three months at the least before an application is made to Parliament for sanction to the compulsory purchase of land under this Act, the Postmaster-General with the consent of the Treasury shall serve, in manner provided by the said incorporated Acts, a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any land intended to be so purchased, describing the land intended to be taken, and in general terms the purposes to which it is to be applied, and stating the intention of the Treasury to obtain the sanction of Parliament to the purchase thereof, and inquiring whether

the person so served assents or dissents to the taking of his land, and requesting him to forward to the Treasury any objections he may have to his land being taken.

(*e.*) The Treasury shall, at some time after the service of such notice, make a local inquiry by a competent officer into the objections made by any persons whose land is required to be taken, and by other persons, if any, interested in the subject matter of such inquiry.

(*f.*) The Treasury, if satisfied after such inquiry has been made that the land ought to be taken, may submit a Bill to Parliament containing provisions authorising the Postmaster-General to take such land, and such Bill shall in all respects be deemed to be a Public Bill, and, if passed into an Act, to have conveyed the sanction of Parliament to the purchase compulsorily of the land therein mentioned or referred to, and the period for such compulsory purchase shall be three years after the passing of such Act: Provided that if while such Bill is pending in either House of Parliament a petition is presented against anything comprised therein, the Bill may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

(3.) The Chancellor and Council for the time being of the Duchy of Lancaster may, if they think fit, from time to time contract and agree with the Postmaster-General for the sale of, and may absolutely make sale and dispose of, for such sum or sums of money as to the said Chancellor and Council appear sufficient consideration for the same, any land belonging to Her Majesty, her heirs or successors, in right of the said Duchy, which, for the purpose of the Post Office, the Postmaster-General may from time to time deem it expedient to purchase with the consent of the Treasury, and such land may be granted and assured to the Postmaster-General, and the said moneys shall be paid and dealt with as if the said land had been sold under the authority of the Duchy of Lancaster Lands Act, 1855.

18 & 19 Vict. c. 58.

Power to sell, exchange, or lease land purchased. 26 & 27 Vict. c. 43.

**4.** All the provisions of the Post Office Lands Act, 1863, with respect to the sale, exchange, leasing, or surrender of any lands vested in the Postmaster-General shall apply to any land purchased by the Postmaster-General under the powers of this Act.

*Execution of Instruments.*

Exemption of Postmaster-General from stamp duty

**5.** Every deed, instrument, receipt, or document made or executed for the purpose of the Post Office by, to, or with Her Majesty or any officer of the Post Office, shall be exempt from any stamp duty imposed by any Act, past or future, except where such duty is declared by the deed, instrument, receipt, or document, or by some memorandum endorsed thereon, to be payable by some person other than the Postmaster-General, and except so far as any future Act specifically charges the same.

32 & 33 Vict. c. 73. 31 & 32 Vict. c. 110.

Section twenty-two of the Telegraph Act, 1869, except so far as it amends section five of the Telegraph Act, 1868, is hereby repealed, without prejudice nevertheless to anything already done in pursuance of the said section.

**6.** Any person having authority in that behalf, either general or special, under the seal of the Postmaster-General, may, on behalf of the Postmaster-General, give any notice and make any claim, demand, entry, or distress which the Postmaster-General in his corporate capacity or otherwise might give or make, and every such notice, claim, demand, entry, and distress shall be deemed to have been given and made by the Postmaster-General on behalf of Her Majesty. Power of deputy of Postmaster-General to give notice or make claim, distress, &c.

**7.** An instrument under the seal of the Postmaster-General may be signed by any of the secretaries to the Post Office, and shall be as valid as if the same were signed by the Postmaster-General. Execution of instrument under seal of Postmaster-General.

Any instrument purporting to be under the seal of the Postmaster-General, and to be signed by the Postmaster-General or one of the secretaries to the Post Office, shall, until the contrary is proved, be deemed to have been so sealed and signed without proof of the official character of the person appearing to have signed the same.

*Supplemental.*

**8.** In this Act, unless the context otherwise requires,— Definitions.

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "the purpose of the Post Office" means any purpose of any of the Post Office Acts or of any Acts for the time being in force relating to Post Office money orders, Post Office telegraphs, or Post Office savings banks, and includes any purpose relating to or in connexion with the execution of the duties for the time being undertaken by the Postmaster-General or any of his officers.

Other expressions shall have the same meaning as in the Post Office (Offences) Act, 1837. 1 Vict. c. 36.

*Application to Scotland and Ireland.*

**9.** In the application of this Act to Scotland the expression "Lands Clauses Consolidation Act, 1845," shall mean the Lands Clauses Consolidation (Scotland) Act, 1845, and the reference to the bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be deemed to refer to the bond required by section eighty-four of the Lands Clauses Consolidation (Scotland) Act, 1845. Application to Scotland. 8 & 9 Vict. c. 19.

**10.** In the application of this Act to Ireland the expression "Lands Clauses Consolidation Act, 1845, and the Acts amending the same," shall mean the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railway Traverse Act. Application to Ireland. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 14 & 15 Vict. c. 70. 23 & 24 Vict. c. 97. 27 & 28 Vict. c. 71. 31 & 32 Vict. c. 70.

## SCHEDULE.

| Session and Chapter. | Title. | Short Title. |
|---|---|---|
| 7 Will. 4. & 1 Vict. c. 33. | An Act for the management of the Post Office. | The Post Office (Management) Act, 1837. |
| 7 Will. 4. & 1 Vict. c. 36. | An Act for consolidating the laws relative to offences against the Post Office of the United Kingdom, and for regulating the judicial administration of the Post Office laws, and for explaining certain terms and expressions employed in those laws. | The Post Office (Offences) Act, 1837. |
| 12 & 13 Vict. c. 66. | An Act for enabling colonial legislatures to establish inland posts. | The Colonial Inland Post Office Act, 1849. |
| 26 & 27 Vict. c. 43. | An Act to enable Her Majesty's Postmaster-General to sell and otherwise dispose of land. | The Post Office Lands Act, 1863. |

# CHAPTER 21.

## An Act for the Amendment of the Law regarding Property of Married Women in Scotland. [18th July 1881.]

40 & 41 Vict. c. 29.

WHEREAS an Act was passed in the fortieth year of the reign of Her present Majesty entitled the Married Women's Property (Scotland) Act, and it is just and expedient to protect, to the further extent herein-after provided for, the property of married women in Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Wife married after date of Act to have separate estate in moveables.

**1.** (1.) Where a marriage is contracted after the passing of this Act, and the husband shall, at the time of the marriage, have his domicile in Scotland, the whole moveable or personal estate of the wife, whether acquired before or during the marriage, shall, by operation of law, be vested in the wife as her separate estate, and shall not be subject to the jus mariti.

Income.

(2.) Any income of such estate shall be payable to the wife on her individual receipt or to her order, and to this extent the husband's right of administration shall be excluded; but the wife shall not be entitled to assign the prospective income thereof, or, unless with the husband's consent, to dispose of such estate.

Liability to arrestment.

(3.) Except as herein-after provided, the wife's moveable estate shall not be subject to arrestment, or other diligence of the law, for the husband's debts, provided that the said estate (except such corporeal moveables as are usually possessed without a written or documentary title) is invested, placed, or secured in the name of the

wife herself, or in such terms as shall clearly distinguish the same from the estate of the husband.

Bankruptcy.

(4) Any money, or other estate of the wife, lent or entrusted to the husband, or intermixed with his funds, shall be treated as assets of the husband's estate in bankruptcy, under reservation of the wife's claim to a dividend as a creditor for the value of such money or other estate after but not before the claims of the other creditors of the husband for valuable consideration in money or money's worth have been satisfied.

Contracts of marriage.

(5.) Nothing herein contained shall exclude or abridge the power of settlement by antenuptial contract of marriage.

Rents of heritable property to be separate estate in wife.

**2.** Where a marriage is contracted after the passing of this Act the rents and produce of heritable property in Scotland belonging to the wife shall no longer be subject to the jus mariti and right of administration of the husband.

How far Act to apply to marriages contracted before its passing.

**3.** In the case of marriages which have taken place before the passing of this Act:

(1.) The provisions of this Act shall not apply where the husband shall have, before the passing thereof, by irrevocable deed or deeds, made a reasonable provision for his wife in the event of her surviving him:

(2.) In other cases the provisions of this Act shall not apply except that the jus mariti and right of administration shall be excluded to the extent respectively prescribed by the preceding sections from all estate, moveable or heritable, and income thereof, to which the wife may acquire right after the passing of the Act.

In case of marriages contracted before Act parties may come under its provisions by deed.

**4.** It shall be competent to all persons married before the passing of this Act to declare by mutual deed that the wife's whole estate, including such as may have previously come to the husband in right of his wife, shall be regulated by this Act, and upon such deed being registered in the register of deeds at Edinburgh or in the Sheriff Court register of the county or counties in which the parties reside, and being advertised in terms of the schedule in the Edinburgh Gazette and three times in two local newspapers circulating in such county or counties, the said estate shall be vested in her as herein-before provided, and subject to the provisions of this Act; provided that the said estate (except such corporeal moveables as are usually possessed without a written or documentary title) is invested, placed, or secured, in the name of the wife herself, or in such terms as shall clearly distinguish the same from the estate of the husband; but no such deed shall be of any effect as against any debt or obligation contracted by the husband prior to the date of the deed being so advertised and registered.

Husband's consent dispensed with in certain cases.

**5.** Where a wife is deserted by her husband, or is living apart from him with his consent, a judge of the Court of Session or Sheriff Court, on petition addressed to the court, may dispense with the husband's consent to any deed relating to her estate.

Right given to husband in wife's moveable succession.

**6.** After the passing of this Act the husband of any woman who may die domiciled in Scotland shall take by operation of law the same share and interest in her moveable estate which is taken by a widow in her deceased husband's moveable estate, according to the law and practice of Scotland, and subject always to the same

rules of law in relation to the nature and amount of such share and interest, and the exclusion, discharge, or satisfaction thereof, as the case may be

Children of women dying domiciled in Scotland to have right of legitim, &c.

**7.** After the passing of this Act the children of any woman who may die domiciled in Scotland shall have the same right of legitim in regard to her moveable estate which they have according to the law and practice of Scotland in regard to the moveable estate of their deceased father, subject always to the same rules of law in relation to the character and extent of the said right, and to the exclusion, discharge, or satisfaction thereof, as the case may be.

Exempting contracts and certain legal rights from operation of Act.

**8.** This Act shall not affect any contracts made or to be made between married persons before or during marriage, or the law relating to such contracts, or the law relating to donations between married persons, or to a wife's non-liability to diligence against her person, or any of the rights of married women under the recited Act.

Short title.

**9.** This Act may be cited as the Married Women's Property (Scotland) Act, 1881.

## SCHEDULE.

FORM OF NOTICE PRESCRIBED BY SECTION 4.

Notice is hereby given that on the day of a deed by *A.B.* of *C.* [*designation*] and *E.F.* his wife has been registered in the Register of in terms of the Married Women's Property (Scotland) Act, 1881.

# CHAPTER 22.

## An Act to amend the Bankruptcy Acts and Cessio Acts with respect to the discharge of Bankrupt Debtors in Scotland, and in certain other respects.

[18th July 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited for all purposes as the Bankruptcy and Cessio (Scotland) Act, 1881.

Extent of Act.

**2.** This Act shall extend to Scotland only.

Commencement of Act.

**3.** This Act shall commence to have effect on the first day of January one thousand eight hundred and eighty-two, which date is herein-after referred to as the commencement of this Act.

Interpretation of terms 19 & 20 Vict. c. 79.

39 & 40 Vict. c. 70.

43 & 44 Vict. c. 34.

**4.** The expression "the Bankruptcy Acts" means the Bankruptcy (Scotland) Act, 1856, and any Act amending the same.

The expression "the Cessio Acts" shall include the Act passed in the session of the sixth and seventh years of the reign of His Majesty King William the Fourth, chapter fifty-six, the Sheriff Court (Scotland) Act, 1876, section twenty-six, the Debtors (Scotland) Act, 1880. this Act, and any Act amending the same.

The expression "decree of Cessio bonorum" shall include a decree decerning a debtor to execute a disposition omnium bonorum in terms of the Debtors (Scotland) Act, 1880.

The word "sheriff" in this Act and in the Debtors (Scotland) Act, 1880, includes sheriff substitute. 43 & 44 Vict. c. 34.

**5.** A debtor with respect to whom decree of Cessio bonorum has been pronounced shall be entitled on the expiration of six months from the date of such decree to apply to the sheriff to be finally discharged of all debts contracted by him before the date of such decree; and the provisions of the one hundred and forty-sixth section of the Bankruptcy (Scotland) Act, 1856, with regard to the conditions on which a bankrupt shall be entitled to obtain his discharge on the expiration of six months, twelve months, eighteen months, and two years respectively from the date of sequestration shall, subject to the qualifications herein-after contained, apply to debtors with respect to whom decree of cessio bonorum has been pronounced: Provided, that in applying the provisions of the said section, the date of the decree of cessio bonorum shall be substituted for the date of awarding sequestration; and that it shall not be necessary to convene a meeting of creditors with reference to such discharge, but the consents required shall be given in writing and produced to the sheriff in such application for discharge. Discharge of debtor in Cessio.

A deliverance by the sheriff granting, postponing, or refusing a discharge under this section shall be final and not subject to review.

**6.** Notwithstanding anything contained in the Bankruptcy Acts, the following provisions shall have effect with respect to bankrupts undischarged at the commencement of this Act, and to bankrupts whose estates may be thereafter sequestrated; that is to say, Restriction on right to discharge in bankruptcy.

(1.) A bankrupt shall not at any time be entitled to be discharged of his debts, unless it is proved to the Lord Ordinary or the sheriff, as the case may be, that one of the following conditions has been fulfilled:

(*a.*) That a dividend or composition of not less than five shillings in the pound has been paid out of the estate of the bankrupt, or that security for payment thereof has been found to the satisfaction of the creditors; or

(*b.*) That the failure to pay five shillings in the pound, as aforesaid, has in the opinion of the Lord Ordinary or the sheriff, as the case may be, arisen from circumstances for which the bankrupt cannot justly be held responsible:

(2.) In order to determine whether either of the aforesaid conditions has been fulfilled, the Lord Ordinary or the sheriff, as the case may be, shall have power to require the bankrupt to submit such evidence as he may think necessary, in addition to the declarations or oaths, as the case may be, made by the bankrupt under sections one hundred and forty and one hundred and forty-seven of the Bankruptcy (Scotland) Act, 1856, and the report made by the trustee under section one hundred and forty-six of the said Act and to allow any objecting creditor or creditors such proof as he may think right: 19 & 20 Vict. c. 79.

(3.) Any deliverance of the Lord Ordinary or sheriff, as the case may be, under this section shall be subject to appeal in the manner provided in sections one hundred and seventy-

19 & 20 Vict. c. 79.

one and one hundred and seventy of the Bankruptcy (Scotland) Act, 1856: Provided always, that the judgment of the Inner House of the Court of Session on any such appeal shall be final and not subject to review:

(4.) In the event of a discharge being refused under the provisions of this section the bankrupt shall at any time, if his estate shall yield or he shall pay to his creditors such additional sum as will, with the dividend or composition previously paid out of his estate during the sequestration, make up five shillings in the pound, be entitled to apply for and obtain his discharge in the same manner as if a dividend of five shillings in the pound had originally been paid out of his estate.

Restriction on right to discharge in Cessio.

**7.** Notwithstanding anything contained in the Cessio Acts, the following provisions shall have effect in the case of debtors with respect to whom decree of Cessio bonorum has been pronounced; that is to say,

(1.) A debtor shall not be entitled to be discharged of his debts unless it is proved to the sheriff that one of the following conditions has been fulfilled:

(*a.*) That a dividend of five shillings in the pound has been paid out of the estate of the debtor, or that security for payment thereof has been found to the satisfaction of the creditors; or

(*b.*) That the failure to pay five shillings in the pound as aforesaid has in the opinion of the sheriff arisen from circumstances for which the debtor cannot justly be held responsible:

(2.) In order to determine whether either of the foresaid conditions has been fulfilled the sheriff shall have power to require the debtor to submit such evidence as he may think necessary, and to allow any objecting creditor or creditors such proof as he may think right.

(3.) In the event of a discharge being refused under the provisions of this section, the debtor shall at any time, if his estate shall yield or he shall pay to his creditors such additional sum as will, with the dividend previously paid out of his estate during the said proceedings, make up five shillings in the pound, be entitled to apply for and obtain his discharge in the same manner as if a dividend of five shillings in the pound had originally been paid out of his estate.

Discharge of trustee in Cessio.

**8.** After a final division of the funds the trustee, in a process of cessio, may apply to the accountant in bankruptcy for a certificate that he is entitled to his discharge, and shall lay before him the sederunt book and accounts, with a list of unclaimed dividends, and the accountant may, if he thinks proper, order intimation to be made to the creditors, and shall, if he is satisfied that the trustee has complied with the provisions of the hundred and forty-seventh section of the Bankruptcy (Scotland) Act, 1856, and is otherwise entitled to be discharged, and upon payment of any unclaimed dividends into the account of unclaimed dividends kept in the name of the accountant, grant to the trustee a certificate under his hand to

19 & 20 Vict. c. 79.

that effect, and such certificate shall have to all intents and purposes the effect of a decree of exoneration and discharge by a court of competent jurisdiction.

Provisions for failure of debtor to appear.

**9.** If the debtor fail to appear in obedience to the citation under a process of Cessio bonorum at any meeting to which he has been cited, and, if the sheriff shall be satisfied that such failure is wilful, he may in the debtor's absence pronounce decree of Cessio bonorum.

Sheriffs may issue warrants in proceedings under 19 & 20 Vict. c. 79. ss. 88, 90, & 91.

**10.** In any proceedings under the Cessio Acts it shall be competent for the sheriff, for the purpose of securing the attendance and examination of the debtor, or of any person who can give information relative to the debtor's estate, to exercise all the powers and to grant the warrants and commissions which in processes of sequestration he is empowered to exercise or to grant under the eighty-eighth, ninetieth, and ninety-first sections of the Bankruptcy (Scotland) Act, 1856.

If estate large, &c. sheriff may dismiss Cessio.

**11.** If in any proceedings under the Cessio Acts, where the liabilities of the debtor exceed the sum of two hundred pounds, it shall appear to the sheriff that it is expedient, having regard to the value of the debtor's estate, and the whole circumstances of the case, that the distribution of the estate should take place under the provisions of the Bankruptcy Acts, he shall have power forthwith to award sequestration of the estates which then belong or shall thereafter belong to the debtor before the date of the discharge and declare the estates to belong to the creditors for the purposes of the Bankruptcy Acts; and thereupon the provisions of the said Acts shall apply as if sequestration had been awarded upon a petition for sequestration in terms of section twenty-nine of the Bankruptcy (Scotland) Act, 1856.

The sheriff shall have power to direct that the expenses bonâ fide incurred by a creditor in any proceedings under the Cessio Acts superseded by the awarding of sequestration shall be paid by the trustee in the sequestration out of the readiest funds of the bankrupt.

Shortening inducim in Cessio proceedings.

**12.** Notwithstanding any law or usage to the contrary, it shall be lawful for the sheriff to appoint any diet of compearance or any meeting or proceeding under the Cessio Acts to be held on an inducim of any number of days not being less than eight.

This provision shall not be held to limit any power now possessed by the sheriff.

Effect of s. 12 of 43 & 44 Vict. c. 34.

**13.** In section twelve of the Debtors (Scotland) Act, 1880, the word "dwelling-house" shall be held to include shop, counting-house, warehouse, or other premises.

Construction of Act.

**14.** This Act shall be read and construed together with the Debtors (Scotland) Act, 1880.

## CHAPTER 23.

An Act to amend the Law relating to the Official Staff of the Court of Bankruptcy in Ireland. [18th July 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Court of Bankruptcy (Ireland) Officers and Clerks Act, 1881.

Reconstitution of official staff. 20 & 21 Vict. c. 60.

**2.** From and after the passing of this Act, the thirty-eighth section of the Irish Bankrupt and Insolvent Act, 1857, shall be and is hereby repealed. But neither this repeal nor any other enactment contained in this Act shall be construed to lessen or affect any right to which any officer of the Court of Bankruptcy in Ireland, who is in office at the passing of this Act, may be entitled; and all such rights shall continue and exist as if this Act had not been passed. Subject to such rights, the official staff of the Court of Bankruptcy in Ireland shall, notwithstanding any enactment to the contrary, consist of such officers, clerks, and persons holding subordinate situations, with such titles and designations respectively, as the judges of the Court may, by general order made with the approval of the Lord High Chancellor of Ireland and the concurrence of the Commissioners of Her Majesty's Treasury, from time to time direct: Provided, however, that no vacancy among such officers, clerks, or persons shall be filled up without the concurrence of the Commissioners of the Treasury.

Salaries.

**3.** Each such officer, clerk, and person shall be paid such salary, out of money to be provided by Parliament, as the judges of the Court, with the approval of the said Lord High Chancellor and the concurrence of the Commissioners of the Treasury, may from time to time determine.

Mode of filling future vacancies in junior clerkships.

**4.** All junior clerkships in the said Court shall be filled up by open competition, but this provision shall not apply to any person holding any office or clerkship in the Court at the time of the passing of this Act.

## CHAPTER 24.

An Act to amend the Law respecting the Service of Process of Courts of Summary Jurisdiction in England and Scotland. [18th July 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Summary Jurisdiction (Process) Act, 1881.

This Act shall be deemed to be included in the expressions "Summary Jurisdiction Acts" and "Summary Jurisdiction (English) Acts."

Extent of Act.

**2.** This Act shall not apply to Ireland.

Commencement of Act.

**3.** This Act shall come into operation on the first day of October one thousand eight hundred and eighty-one (which day is in this Act referred to as the commencement of this Act).

Service of process of English

**4.** Subject to the provisions of this Act, any process issued under the Summary Jurisdiction Acts may, if issued by a court of sum-

mary jurisdiction in England and endorsed by a court of summary jurisdiction in Scotland, or issued by a court of summary jurisdiction in Scotland and endorsed by a court of summary jurisdiction in England, be served and executed within the jurisdiction of the endorsing court in like manner as it may be served and executed within the jurisdiction of the issuing court, and that by an officer either of the issuing or of the endorsing court. court in Scotland and of Scotch court in England.

For the purposes of this Act—

(1.) Any process may be issued and endorsed under the hand of any such person as is declared by this Act to be a court of summary jurisdiction, and may be endorsed upon proof alone of the handwriting of the person issuing it, and such proof may be either on oath or by such solemn declaration as is mentioned in section forty-one of the Summary Jurisdiction Act, 1879, or by any like declaration taken in Scotland before a sheriff, justice of the peace, or other magistrate having the authority of a justice of the peace. Such indorsement may be in the form contained in the schedule to this Act annexed, or in a form to the like effect: 42 & 43 Vict. c. 49.

(2.) Where any process requiring the appearance of a person to answer any information or complaint has been served in pursuance of this section, the court, before issuing a warrant for the apprehension of such person for failure so to appear, shall be satisfied on oath that there is sufficient primâ facie evidence in support of such information or complaint:

(3.) If the process is to procure the attendance of a witness, the court issuing the process shall be satisfied on oath of the probability that the evidence of such witness will be material, and that the witness will not appear voluntarily without such process, and the witness shall not be subject to any liability for not obeying the process, unless a reasonable amount for his expenses has been paid or tendered to him:

(4.) This Act shall not apply to any process requiring the appearance of a person to answer a complaint if issued by an English court of summary jurisdiction for the recovery of a sum of money which is a civil debt within the meaning of the Summary Jurisdiction Act, 1879, or if issued by a Scotch court in a case which falls within the definition of "civil jurisdiction" contained in the Summary Procedure Act, 1864.

5. Where a person is apprehended under any process executed in pursuance of this Act, such person shall be forthwith taken to some place within the jurisdiction of the court issuing the process, and be there dealt with as if he had been there apprehended. Provision as to execution of process.

A warrant of distress issued in England when endorsed in pursuance of this Act shall be executed in Scotland as if it were a Scotch warrant of poinding and sale, and a Scotch warrant of poinding and sale when endorsed in pursuance of this Act shall be executed in England as if it were an English warrant of distress,

and the enactments relating to the said warrants respectively shall apply accordingly, except that any account of the costs and charges in connexion with the execution, or of the money levied thereby or otherwise relating to the execution, shall be made, and any money raised by the execution shall be dealt with in like manner as if the warrant had been executed within the jurisdiction of the court issuing the warrant.

Provision as to bastardy proceedings in England and Scotland.

**6.** A court of summary jurisdiction in England and a sheriff court in Scotland shall respectively have jurisdiction by order or decree to adjudge a person within the jurisdiction of the court to pay for the maintenance and education of a bastard child of which he is the putative father, and for the expenses incidental to the birth of such child, and for the funeral expenses of such child, notwithstanding that such person ordinarily resides, or the child has been born, or the mother of it ordinarily resides, where the court is English, in Scotland, or where the court is Scotch, in England, in like manner as the court has jurisdiction in any other case.

Any process issued in England or Scotland to enforce obedience to such order or decree may be endorsed and executed in Scotland and England respectively in manner provided by this Act with respect to process of a court of summary jurisdiction.

Any bastardy order of a court of summary jurisdiction in England may be registered in the books of a sheriff court in Scotland, and thereupon a warrant of arrestment may be issued in like manner as if such order were a decree of the said sheriff court.

Saving.

**7.** This Act shall be in addition to and not in derogation of any power existing under any other Act relating to the execution of any warrant or other process in England and Scotland respectively.

Definitions.

**8.** In this Act, unless the context otherwise requires,—

The expression "process" includes any summons or warrant of citation to appear either to answer any information or complaint, or as a witness; also any warrant of commitment, any warrant of imprisonment, any warrant of distress, any warrant of poinding and sale, also any order or minute of a court of summary jurisdiction or copy of such order or minute, also an extract decree, and any other document or process, other than a warrant of arrestment, required for any purpose connected with a court of summary jurisdiction to be served or executed.

42 & 43 Vict. c. 49. 27 & 28 Vict. c. 53.

The expression "Summary Jurisdiction Acts" as regards England has the same meaning as in the Summary Jurisdiction Act, 1879, and as regards Scotland, means the Summary Procedure Act, 1864, and any Act, past or future, amending that Act.

The expression "sheriff" shall include sheriff substitute.

The expression "court of summary jurisdiction" means any justice of the peace, also any officer or other magistrate having the authority in England or Scotland of a justice of the peace, also in Scotland the sheriff.

The expression "officer of a court of summary jurisdiction" means the constable, officer, or person to whom any process issued by the court is directed, or who is by law required or authorised to serve or execute any process issued by the court.

## SCHEDULE.

INDORSEMENT IN BACKING A PROCESS.

WHEREAS proof hath this day been made before me, one of Her Majesty's justices of the peace [sheriff *or other magistrate*] for the [county *or* burgh] of , that the name of *A.B.* to the within warrant [*or* summons *or* order *or* minute, *or* copy of order *or* minute *or other document*] subscribed is of the handwriting of the justice of the peace [sheriff *or other magistrate*] within mentioned, I do therefore hereby authorise *C.D.* who bringeth to me this warrant [*or* summons *or* order *or* minute, *or* copy of order *or* minute *or other document*,] and all other persons by whom the same may be lawfully served [*or* executed], and also all constables and other peace officers of the said [county *or* burgh] of to serve and execute the same within the said last-mentioned [county *or* burgh].

Given under my hand this day of 18

## CHAPTER 25.

An Act to extend for a period not exceeding Three Years the term fixed for the Repayment of Loans granted by the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy to Incumbents of Benefices. [11th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Governors of Queen Anne's Bounty to extend period for repayment of loans, &c.

**1.** The Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy (herein-after called the "Governors") may by resolution passed by them at a board meeting, from time to time extend for a period not exceeding three years the term fixed for the repayment of any money lent by them to or for the incumbent of any benefice under the powers of one or more of the Acts enumerated in the Schedule hereto, such extension of term to be accompanied, at the discretion of the Governors, by the suspension for one, two, or three years of the payment of the annual instalment of principal due or to become due from the incumbent; such suspended annual instalments to be subsequently payable by the incumbent for the time being in respect of the year or years which by the aforesaid extension shall have been added to the term created by the mortgage affected thereby, and begin to accrue due as soon as the residue of the principal money shall have become repayable.

Limitation of duration of discretionary powers.

**2.** The discretionary powers given by this Act shall not be exercisable beyond three years from the passing hereof, and the application of the provisions of this Act shall not in any way invalidate the instruments of security under which loans have been or may be granted by the Governors; the said provisions shall extend and apply to such instruments as if originally fully and expressly inserted therein; provided always, that the foregoing

provisions shall not authorise the Governors to relinquish any portion of the current interest due or to become due on such securities

Short title.

**3.** This Act may be cited as the Incumbents of Benefices Loans Extension Act, 1881.

## SCHEDULE.

17 Geo. III. c. 53.; 21 Geo. III. c. 66; 7 Geo. IV. c. 66; 1 & 2 Vict. c. 23; 1 & 2 Vict. c. 106; 28 & 29 Vict. c. 69; 34 & 35 Vict. c. 43; 35 & 36 Vict. c. 96.

# CHAPTER 26.

## An Act to amend the Law relating to the use of Gunpowder in certain Stratified Ironstone Mines.

[11th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Title of Act.

**1.** This Act may be cited as the Stratified Ironstone Mines (Gunpowder) Act, 1881.

Power to exempt ironstone mines from regulation as to cartridges under 35 & 36 Vict. c. 76. s. 51.

**2.** (1.) It shall be lawful for one of Her Majesty's Principal Secretaries of State, if he shall think fit, on the application of the owner, agent, or manager of any stratified ironstone mine in the lias formation, to exempt such mine from so much of the general rule eight in the Coal Mines Regulation Act, 1872, as forbids gunpowder or other explosives or inflammable substance from being taken into or being in the possession of any person in any mine except in cartridges.

(2.) The application shall be transmitted by the owner, agent, or manager to the inspector of the district, and the requirements of sections fifty-three and fifty-seven of the Coal Mines Regulation Act, 1872, as to the posting of any proposed special rule, shall extend to any such application: Provided that the exemption shall not come into force until granted by the Secretary of State.

(3.) The Secretary of State may at any time revoke such exemption, but such revocation shall not come into force until written or printed notice thereof has been posted up at the mine for twenty-four hours.

(4.) A list of the exemptions granted or revoked under this Act shall be set forth by the inspector of the district in his annual report.

# CHAPTER 27.

## An Act to amend the Burial Grounds (Scotland) Act, 1855.

[11th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows.

**1.** This Act may be cited as the Burial Grounds (Scotland) Act, 1855, Amendment Act, 1881. Short title.

**2.** Where the parochial board of any parish or united parish has provided, or may hereafter provide a burial ground for such parish or united parish under the provisions of the Burial Grounds (Scotland) Act, 1855, and additional burial grounds, one or more, have been or may hereafter be provided for any such parish or united parish, the parochial board, under such restrictions and conditions as they think proper, may sell the exclusive rights mentioned in section eighteen of the said Act in the whole or such parts of any one or more of such additional burial grounds as the parochial board, with the sanction of the sheriff or sheriff substitute, shall appropriate for the purpose; and the provision in section eighteen of the said Act that such exclusive rights shall not extend in all to a space greater than one half of the burial ground provided by the parochial board shall not apply to the additional burial grounds aforesaid, if the sheriff, having regard to the requirements of the parish or united parish, is of opinion that the said provision should not be enforced. Powers of sale to parochial boards. 18 & 19 Vict. c. 68.

## CHAPTER 28.

An Act to make provision for the payment by reduced Instalments of Loans under the Seed Supply (Ireland) Act, 1880; and to amend and explain the Relief of Distress (Ireland) Amendment Act, 1880, and the Local Government Board (Ireland) Act, 1872.

[11th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this Parliament assembled, as follows:

**1.** The board of guardians of any union may, with the consent of the Local Government Board, divide, with reference to all or any of the electoral divisions of the union, each special rate which the guardians are empowered to make under the provisions of the seventh section of the Seed Supply (Ireland) Act, 1880, as amended by the Relief of Distress (Ireland) Amendment Act, 1880, into two equal special rates (in this Act referred to as reduced seed rates), so that the sum which under the provisions of the said Act should be levied in any one year by means of one special rate shall be levied in two consecutive years by means of two special rates. Where a resolution has been adopted by the board of guardians that such division should take effect, the first of the reduced seed rates shall be made at the same time as the first ordinary rate made for the relief of the poor in the union after the date of the resolution of the board of guardians. The subsequent reduced seed rates shall be made in consecutive years, one in every year, at the same time as the ordinary rate made for the relief of the poor in the union after the first day of August in each year. Payment of seed loans. 43 Vict. c. 1. 43 & 44 Vict. c. 14.

The following conditions shall apply to every resolution of any board of guardians on the subject of the division of such special rates:

(1.) Such resolution shall only be adopted by a majority of the guardians present and voting at a meeting duly assembled after fourteen days notice given in the manner required by the general regulations of the Local Government Board;

(2.) Such resolution shall not relieve the guardians of the union from any liability under the Seed Supply (Ireland) Act, 1880, as amended by the Relief of Distress (Ireland) Amendment Act, 1880, in respect of any special rate made, or which ought to have been made, before the adoption of the resolution by the board of guardians.

Where any special rate is so divided under this Act, the repayment by the guardians of the union to the Commissioners of Public Works of the loan in respect of which the special rate was leviable shall be made by equal instalments, in this Act referred to as reduced instalments, which shall correspond in number to the number of the reduced seed rates authorised to be made, and shall be payable to the Commissioners of Public Works in consecutive years on the first day of August in each year; the first of such reduced instalments shall, notwithstanding anything contained in the Seed Supply (Ireland) Act, 1880, requiring the payment to be made at some other time, whether before or after the passing of this Act, be due and payable to the Commissioners on the first day of August after the date of the resolution of the board of guardians.

Where the board of guardians of any union have failed to make provision for the levying of the special rate, which should have been made in respect of all or any of the electoral divisions of the union at the same time as the first ordinary rate made for the relief of the poor in the union after the first day of August one thousand eight hundred and eighty, the Local Government Board may, if they think fit, by order direct the board of guardians to make a special seed rate for the purposes of the said Act, at the same time as the first ordinary rate for the relief of the poor in the union after the making of such order: And in such case the repayment by the board of guardians to the Commissioners of Public Works of the first instalment of the loan shall be made on the first day of August following the making of such order. In the case of any such union the provisions of this Act relative to the division of special rates shall only apply to the second of the special rates leviable in such union.

Grants to distressed unions. 43 & 44 Vict. c. 14.

**2.** The second section of the Relief of Distress (Ireland) Amendment Act, 1880, shall be amended as follows:

(1.) Any grant which the Commissioners of Public Works are empowered to make under that section may be made by them, on the recommendation of the Local Government Board, signified before the first day of April one thousand eight hundred and eighty-two, to the board of guardians of any union in which outdoor relief was at any time authorised to be given under the third section of the Relief of Distress (Ireland) Act, 1880, notwithstanding that the order authorising the giving of such outdoor relief has ceased to be in force at the time of the making of such grant; 43 Vict. c. 4.

(2.) The board of guardians of any union to whom any grant is made under this section shall apply the money so granted in

defraying any costs, charges, expenses, or liabilities incurred by them prior to the twenty-ninth day of September one thousand eight hundred and eighty-one in administering the Relief of Distress (Ireland) Act, 1880, or the Acts relating to the relief of the poor in Ireland.

Explanation of 35 & 36 Vict. c. 69.

**3.** Whereas doubts have arisen as to the construction of the Local Government Board (Ireland) Act, 1872, so far as it relates to property formerly vested in the Commissioners for administering the laws for the relief of the poor in Ireland, and it is expedient to remove such doubts, therefore it is hereby declared that all property, real and personal, and all rights of action and other rights relative to property vested in or belonging to the Commissioners for the relief of the poor in Ireland in their capacity as such Commissioners at the time of the passing of the said Act were thereby transferred to and became vested in the Local Government Board for Ireland, subject, however, to any rights, charges, or liabilities affecting the same.

Short title.

**4.** This Act may be cited as the Local Government Board (Ireland) Amendment Act, 1881.

## CHAPTER 29.

An Act further to facilitate the building, enlargement, and maintenance of Reformatory Institutions in Ireland. [11th August 1881.]

WHEREAS it is desirable to create additional facilities for the provision and improvement of reformatories in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Power to grand juries and certain town councils to contribute towards building, &c. reformatories.

**1.** It shall be lawful for the grand jury of any county, county of a city, or county of a town, if they shall think fit, at any assizes, or for the town councils of the boroughs of Dublin, Limerick, and Cork, to contribute such sums of money, to be raised off such county or borough, and upon such conditions as such grand jury or town council may think fit, towards the alteration, enlargement, or rebuilding of a certified reformatory, or towards the establishment or building of a school intended to be a certified reformatory, or towards the purchase of any land required for the use of an existing reformatory, or for the site of any school intended to be a reformatory school.

Power to grand juries, &c. to borrow money to build, &c. reformatories.

**2.** Any grand jury and the town councils of Dublin, Limerick, and Cork, may, with the approval of the chief secretary to the Lord Lieutenant, borrow money or give security for the repayment of money borrowed or to be borrowed for the purpose of defraying or contributing towards the expense of altering, enlarging, or rebuilding a certified reformatory, or towards the expense of the establishment or building of a school intended to be a certified reformatory, or towards the purchase of any land required for the use of an existing reformatory, or for the site of any school intended to be a reformatory school.

Mode of security.

**3.** Any moneys borrowed, or for repayment of which security may be given under this Act, may be charged on any rate levied by the grand jury or town council borrowing or giving security, or on any property belonging to such town council, and shall be repaid, together with the interest due thereon, out of such rate or property; and every such grand jury and town council may present such moneys and make and levy such rates as may be required for such repayment.

Principal as well as interest to be charged.

**4.** When any grand jury or town council borrows or gives security for any money under this Act, they shall charge the rates or property out of which the moneys borrowed or secured are payable not only with the interest of the moneys so borrowed or secured, but also with the payment of such principal sum as will secure the repayment of the whole sum borrowed within a period not exceeding thirty-five years.

Certain clauses of 10 & 11 Vict. c. 16. as to borrowing money incorporated.

**5.** The clauses of the Commissioners Clauses Act, 1847, with the exception of the eighty-fourth clause, with respect to mortgages to be created by the Commissioners, shall form part of and be incorporated with this Act; and any mortgagee or assignee may enforce payment of his principal and interest by the appointment of a receiver.

In the construction of the said clauses "the Commissioners" shall mean the grand jury or town council.

Provisions as to notice by grand jury.

**6.** Not less than two months previous notice of the intention of such grand jury or town council to take into consideration the making of a contribution, and the borrowing or securing of money under the provisions herein-before contained, at a time and place to be mentioned in such notice, shall be given by advertisement in some one or more newspaper or newspapers circulating within such county or borough, and also in the manner in which notices relating to business to be transacted by such grand jury or town council are usually given.

Provision as to order for borrowing.

**7.** When such contribution or such borrowing or securing of money is proposed to be made by the town council of a borough, the order shall be made at a special meeting of the council.

Reformatory to be certified.

**8.** No contract for borrowing or securing money under the provisions contained in this Act shall be entered into, unless the reformatory is at the time of entering into such contract certified under the fourth section of the Act of the session of Parliament held in the thirty-first and thirty-second years of the reign of Her present Majesty, chapter fifty-nine.

Power to Commissioners of Public Works to make loans.

**9.** In addition to purposes for which loans may be made under Acts already in force, it shall be lawful for the Commissioners of Public Works in Ireland, subject to such rules and regulations as may from time to time be made by the Commissioners of Her Majesty's Treasury, to make loans in such cases as the said Commissioners of Public Works may judge expedient for any of the purposes for which grand juries or town councils are by the provisions of this Act permitted to contribute or borrow or secure the repayment of money: Provided always, that the amount of any such loan shall not exceed five thousand pounds.

Repayment of loans.

**10.** Every loan which shall be made under the provisions of this Act by the Commissioners of Public Works in Ireland shall

be made repayable within such periods and at such rate of interest as are set forth in a minute of the Treasury made on the sixteenth day of August one thousand eight hundred and seventy-nine, with reference to loans to which section two of the Public Works Loans Act, 1879, applies, or as the Treasury may from time to time fix in pursuance of that section; and save as regards such periods and rate of interest, the enactments relating to loans made by the said Commissioners of Public Works for the purpose of public buildings erected wholly or partly out of moneys contributed by grand juries or town councils shall, so far as is consistent with this Act, apply in like manner as if a loan under this Act were a loan made in pursuance of those enactments; and any loan made by the Commissioners of Public Works under this Act shall be deemed to be an advance to which section four of the Public Works Loans (Ireland) Act, 1877, applies.

Charge upon lands and premises.

**11.** All lands upon which any buildings or erections may stand which shall be altered, enlarged, or rebuilt, or established, or built, or which shall have been purchased wholly or partly by means of a loan under this Act, and all such buildings and erections shall be deemed to be and shall be well charged with the payment of the principal and interest of such loan, and that in priority to all charges and incumbrances affecting the same, save and except quit rents and rentcharges in lieu of tithes, and except all charges prior in date (if any) charged upon the premises in favour of the Commissioners of Public Works: Provided always, that in case such lands or buildings shall be held under any grant or demise, nothing herein contained shall prejudice or affect the right of the grantor or lessor in any such grant or demise or of any superior grantor or lessor.

Insurance of premises subject to loan.

**12.** When any loan shall be made under this Act by the Commissioners of Public Works, the said Commissioners, if they think fit, may insure against damage by fire all buildings and erections then or thereafter standing or being on the lands or premises charged with such loan, such insurance to be effected in such insurance office or company and in such sum of money, not exceeding the amount of such loan, as the said Commissioners shall from time to time direct, and the said Commissioners shall keep on foot such insurance as aforesaid, and all premiums paid thereon by the said Commissioners shall be deemed to be included in all charges and securities whereby repayment of such loan shall be secured, and shall be forthwith recoverable in like manner as any principal or interest payable in respect of such loan.

Commissioners to make an order.

**13.** The repayment of every loan which shall be made under the provisions of this Act shall be secured by an order of the said Commissioners of Public Works under the common seal of the Commissioners as incorporated under any Act of Parliament, and, if they require it, by the further security of at least three persons, the sufficiency and solvency of which persons shall be made out to the satisfaction of the said Commissioners, and by such security as any grand jury or town council may, under the provisions enabling such grand juries and town councils to borrow, or give security for the repayment of money, agree upon with the said Commissioners, all such securities to be subject to such conditions as the

said Commissioners shall deem to be proper; and every such order shall set forth the amount of such loan, the names of the persons to whom or on whose application and on whose security the same has been made, and a description of the lands, premises, and other securities charged therewith. In all cases when the said Commissioners shall have made any such order they shall execute a duplicate thereof under their common seal, and forthwith cause the said duplicate order to be lodged with the registrar of deeds in the office for the registry of deeds in the city of Dublin, and the said registrar and his and their assistants, deputies, or other officers shall register the same in the same manner as any deeds or instruments are registered in the same office, and shall enter a memorial thereof in the abstract books and indexes of and relating to memorials registered and kept in the said office, and shall return such registry in any search made in such registry office: Provided always, that no fees shall be payable in respect of such registration.

Additional provisions as to enforcement of payment of loans.

**14.** In any proceedings instituted by the Commissioners of Public Works for recovering any money due on account of any loan under this Act, the certificate of the Commissioners as so incorporated as aforesaid under their seal that the sum claimed is due on account of such loan shall be conclusive evidence of the facts therein stated.

It shall be the duty of every grand jury and town council to whom any loan is made under this Act to do all matters and things necessary for providing for the repayment of all moneys due from time to time on account of such loan.

Nothing contained in this section shall be taken to prejudice any proceedings which the Commissioners of Public Works might institute for recovering any sum due to them on account of any loan made under this Act.

Short title.

**15.** This Act may be cited for all purposes as the Reformatory Institutions (Ireland) Act, 1881.

## CHAPTER 30.

### An Act to provide for the employment of certain Officers and Clerks by the Commissioners of Customs.

[11th August 1881.]

22 Vict. c. 26.

WHEREAS by the Superannuation Act, 1859, it is enacted that for the purposes of that Act no person thereafter appointed shall be deemed to have served in the permanent Civil Service of the State, unless such person holds his appointment directly from the Crown or has been admitted into the Civil Service with a certificate from the Civil Service Commissioners:

And whereas the directors of the Customs Benevolent Fund have, in pursuance of letters patent, conducted the publication of daily returns of imports and exports known as bills of entry, and on the recent expiration of the letters patent the Commissioners of Her Majesty's Customs have arranged to continue such publication, and desire to employ for that purpose some of the officers and clerks heretofore employed in such publication:

And whereas it is expedient, with a view to the remuneration and superannuation allowance of those officers and clerks, to provide for their admission into the Civil Service:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Customs (Officers) Act, 1881.

Provision for employment by Customs of officers and clerks heretofore employed on bills of entry.

**2.** The Commissioners of Her Majesty's Customs with the consent of the Commissioners of Her Majesty's Treasury may take into permanent employment any officer or clerk heretofore employed by the directors of the Customs Benevolent Fund in connexion with the publication of bills of entry, and any officer or clerk so taken into permanent employment shall be deemed to be in the permanent Civil Service of the State in like manner as if he had been admitted into the same with a certificate from the Civil Service Commissioners, and shall be entitled to receive remuneration and superannuation allowance accordingly; and further, shall be entitled, for the purpose of superannuation allowance, to count his past years of continuous service under the said directors as if they were years of service in the permanent Civil Service of the State.

## CHAPTER 31.

An Act to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. [11th August 1881.]

WHEREAS it is expedient to continue for limited times some of the Acts herein-after specified, and to repeal others:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Schedule 1.

**1.** The Acts specified in the first schedule annexed hereto shall expire on the first day of November one thousand eight hundred and eighty-one.

Schedule 2.

**2.** The Acts specified in the first and second columns of the second schedule annexed hereto shall, to the extent specified in the third column thereof, be repealed on and after the first day of November one thousand eight hundred and eighty-one.

Schedule 3.

**3.** The Act specified in the first and second columns of the third schedule annexed hereto shall, to the extent specified in the third column thereof, as from the date specified in the fourth column thereof, be subject to the modifications specified in the fifth column thereof, and shall, to the same extent, be repealed on and after the first day of November one thousand eight hundred and eighty-two, unless Parliament in the meantime otherwise provides.

Schedule 4.

**4.** The Acts specified in the fourth schedule annexed hereto shall continue in force until the first day of November one thousand eight hundred and eighty-two, and no longer, unless Parliament in the meantime otherwise provides.

Schedule 5.

**5.** The Acts specified in the fifth schedule annexed hereto shall be repealed on and after the first day of November one thousand

eight hundred and eighty-two, unless Parliament in the meantime otherwise provides, due regard being had in each case to local requirements, and to the special circumstances of the trust.

Continuance of all other Turnpike Acts.

**6.** Such provisions, if any, of the said Acts mentioned in the said schedules as are not affected by the preceding sections, and all other Acts now in force for regulating, making, amending, or repairing any turnpike road which will expire at or before the end of the next session of Parliament, shall continue in force until the first day of November one thousand eight hundred and eighty-two, and to the end of the then next session of Parliament, unless Parliament in the meantime otherwise provides; but this section shall not affect any Act continued to a specified date and no longer.

Extent of Act.

**7.** This Act shall not apply to Scotland or Ireland.

Short title.

**8.** This Act may be cited for all purposes as the Annual Turnpike Acts Continuance Act, 1881.

## SCHEDULES.

### SCHEDULES 1 TO 3.

| County. | Name of Trust. | No. of Schedule. | No. of Act |
|---|---|---|---|
| Chester | Congleton and Buxton | 1 | 3 |
| | Manchester and Wilmslow | 2 | 7 |
| Cornwall | Saltash | 2 | 9 |
| Cumberland | Carlisle and Eamont Bridge, Southern Division | 2 | 4 |
| Derby | Ashbourne, Sudbury, and Yoxall Bridge | 3 | 10 |
| | Haddon and Bentley | 1 | 2 |
| Dorset | Bridport, Second District | 2 | 8 |
| Lancaster | Haslingden and Todmorden | 1 | 1 |
| Denbigh | Wern and Bronygarth, Second District | 2 | 5, 6 |

### FIRST SCHEDULE.

Acts which are to continue in force until the 1st of November 1881, and no longer.

| Date of Act. | Title of Act. |
|---|---|
| 20 & 21 Vict. c. cxliv. | 1. An Act for repairing the road from Haslingden to Todmorden, and several branches therefrom, all in the county palatine of Lancaster; and for other purposes. |
| 28 & 29 Vict. c. cevii | 2. An Act for repairing the road from the Guide Post below Haddon out of the Bakewell turnpike road into the Bentley and Ashbourne turnpike road, in the county of Derby; and for other purposes |
| 29 Vict. c. lvi. | 3. An Act to extend the term and amend the provisions of an Act for repairing, amending, and maintaining the road from Congleton, in the county of Chester, to a branch of the Leek turnpike road at Thatchmarsh Bottom, in the parish of Hartington, in the county of Derby, and from the Lowe to the Havannah Mills, in the said county of Chester. |

## SECOND SCHEDULE.

Acts which are to be repealed to the extent specified on and after the 1st of November 1881.

| 1. Date of Act. | 2. Title of Act. | 3. Extent of Repeal. |
|---|---|---|
| 22 & 23 Vict. c. xxv. | 4. An Act to repeal an Act passed in the eleventh year of the reign of King George the Fourth, chapter one hundred and ten, intituled "An Act for more effectually repairing the road from Carlisle to Penrith, and from Penrith to Eamont Bridge, in the county of Cumberland," and to make other provisions in lieu thereof. | So far as the same relates to the "Southern Division" of the road. |
| 23 Vict. c. viii. | 5. An Act for more effectually repairing the road leading from Wem to the Lime Rocks at Bronygarth, in the county of Salop, and for making several lines of road connected with the same in the counties of Salop and Denbigh. | So far as the same relate to the roads numbered one, three, four, five, and six of the second district. |
| 25 & 26 Vict. c. cxxv. | 6. An Act to amend the "Wem and Bronygarth Roads Act, 1860," and to confer further powers in relation to the said roads. | |
| 24 & 25 Vict. c. lxxv. | 7. An Act for the Manchester and Wilmslow turnpike roads, in the counties palatine of Lancaster and Chester. | The entire Act. |
| 25 Vict. c. xv. | 8. An Act for continuing the term and amending and extending the provisions of the Act relating to the second district of the Bridport turnpike roads, in the county of Dorset, and to make other provisions in lieu thereof. | The entire Act. |
| 29 & 30 Vict. c. cix. | 9. An Act to repeal an Act passed in the third year of the reign of His Majesty King William the Fourth, intituled "An Act for more effectually repairing and improving several roads in the counties of Cornwall and Devon, leading to the borough of Saltash, in the county of Cornwall, and for making a new branch and deviations of roads to communicate therewith," and for granting more effectual powers in lieu thereof. | The entire Act. |

## THIRD SCHEDULE.

Act which, to the extent specified, is to be subject to modifications from the 1st of November 1881, and which, to the same extent, is to be repealed on and after the 1st of November 1882, unless Parliament in the meantime otherwise provides.

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Date from which Modifications are to commence. | 5. Modifications. |
|---|---|---|---|---|
| 26 & 27 Vict. c. xcviii. | 10 An Act to repeal an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, intituled "An Act "for repairing, altering, and "improving the roads from "Ashbourne to Sudbury, and "from Sudbury to Yoxall "Bridge, and from Hatton Moor "to Tutbury, and from Uttoxeter "to or near the village of Dray-"cott-in-the-Clay, and from "Hadley Plain on the late forest "or chase of Needwood to "Callingwood Plain on the "same late forest or chase," and to make other provisions in lieu thereof. | So far as the same relates to the Ashbourne, Sudbury, and Yoxall Bridge, or "the "Sudbury dis-"trict" of the roads. | 1 November 1881. | The tolls at Clifton, Cubley, and Yoxall Bridge gates to be reduced by one-half. |

## FOURTH SCHEDULE.

Acts which are to continue in force until the 1st of November 1882, and no longer, unless Parliament in the meantime otherwise provides.

| County. | Name of Trust. | No. of Act. |
|---|---|---|
| Derby | Chesterfield to Worksop | 2 |
| | Glossop and Marple Bridge | 1 |
| Devon | Kingsbridge and Dartmouth | 11 |
| Dorset | Blandford and Wimborne | 8 |
| | Poole | 12 |
| Durham | Egleston Roads | 6 |
| Kent | Tonbridge and Ightham | 10 |
| Lancaster | Rochdale and Edenfield | 9 |
| Lincoln | Lincoln Heath and Market Deeping:—Bourn district | 4 |
| Sussex | Beeding and Old Shoreham | 5 |
| | Horsham and Steyning | 5 |
| York | Doncaster and Tadcaster | 7 |
| Flint | Lower King's Ferry | 3 |

| Date of Act. | Title of Act. |
|---|---|
| 23 Vict. c. xxi. | 1. An Act to repeal the Act for amending and improving the road from Glossop to Marple Bridge, in the county of Derby, and the several branches of roads leading to and from the same, and to make other provisions in lieu thereof. |
| 23 Vict. c. xxiii. | 2. An Act for more effectually repairing the road from Chesterfield in the county of Derby to Worksop in the county of Nottingham. |
| 23 Vict. c. xxxii. | 3. An Act for the further continuance of the Lower King's Ferry Roads Turnpike Trust and for other purposes. |
| 23 Vict. c. xli. | 4. An Act to provide for the management, maintenance, and repair of the turnpike road from Lincoln Heath to Market Deeping, and other roads in connexion therewith; and for other purposes: *so far as the same relates to "the Bourn district."* |
| 23 Vict. c. lxxx. | 5. An Act for repairing the roads from Horsham to Steyning, and from thence to the top of Steyning Hill, in the county of Sussex, and from the bottom of Steyning Hill to Slaughter's Corner, in the parish of Beeding, and from thence to Shoreham Bridge, in the parish of Old Shoreham, in the said county. |
| 23 & 24 Vict. c. cxii. | 6. An Act to create a further term in the Egleston roads; to add other roads to the trust; to repeal, amend, and extend the Act relating to the said roads; and for other purposes. |
| 23 & 24 Vict. c. cxviii. | 7. An Act for the Doncaster and Tadcaster Road, in the west riding of the county of York. |
| 23 & 24 Vict. c. cxlvi. | 8. An Act to repeal an Act of the first year of the reign of King William the Fourth, intituled "An Act for repairing the road from "Wimborne Minster to Blandford Forum, in the county of "Dorset, and to make other provisions in lieu thereof; and for "other purposes." |
| 29 Vict. c. lxxix. | 9. An Act for repairing and maintaining the road from Rochdale to Edenfield, in the county palatine of Lancaster; and for other purposes. |
| 29 & 30 Vict. c. cx. | 10. An Act to repeal an Act passed in the eleventh year of the reign of His Majesty King George the Fourth, intituled "An "Act for amending and improving the road from Tonbridge to "Ightham and other roads communicating therewith, in the "county of Kent; and for granting more effectual powers in lieu "thereof." |
| 29 & 30 Vict. c. clxx. | 11. An Act to continue the Kingsbridge and Dartmouth Turnpike Roads Trust in the county of Devon; and for other purposes. |
| 30 Vict. c. xl. | 12. An Act for the Poole roads, in the county of Dorset. |

## FIFTH SCHEDULE.

Acts which are to be repealed on and after the 1st of November 1882, unless Parliament in the meantime otherwise provides, due regard being had in each case to local requirements, and to the special circumstances of the Trust.

| County. | Name of Trust. | No. of Act. |
|---|---|---|
| Derby | Ashbourne, Sudbury, and Yoxall Bridge | 2 |
| Stafford | Uttoxeter and Callingwood Plain | 2 |
| Flint | St. Asaph and Conway | 1 |

| Date of Act. | Title of Act. |
|---|---|
| 26 Vict. c. xix. | 1. An Act to repeal an Act passed in the third year of the reign of His late Majesty King William the Fourth, intituled "An Act "for the more effectually repairing and maintaining the turnpike "road from Pant Evan Brook in the county of Flint to Abergele "in the county of Denbigh, and thence to Conway Ferry House "in the county of Carnarvon." |
| 26 & 27 Vict. c. xcviii. | 2. An Act to repeal an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, intituled "An Act "for repairing, altering, and improving the roads from Ashbourne "to Sudbury, and from Sudbury to Yoxall Bridge, and from "Hatton Moor to Tutbury, and from Uttoxeter to or near the "village of Draycott-in-the-Clay, and from Hadley Plain on the "late forest or chase of Needwood to Callingwood Plain on the "same late forest or chase," and to make other provisions in lieu thereof. |

## CHAPTER 32.

An Act to remit certain Loans formerly made out of the Consolidated Fund. [11th August 1881.]

WHEREAS certain advances out of the Consolidated Fund have been made in Ireland for the objects mentioned in the schedule to this Act, and upon each of these advances the amount mentioned in the said schedule is unpaid, and due to the Consolidated Fund:

And whereas no sums have been recovered upon the said advances during a long period of years, and it is inexpedient to keep open for any further period the account of such advances:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Public Loans (Ireland) Remission Act, 1881.

Extinguishment of debts in schedule.

2. The debts due to the Consolidated Fund mentioned in the schedule to this Act shall, after the passing of this Act, be extinguished, and the amount thereof shall be deemed to have been a free grant by Parliament.

## SCHEDULE.

| Object of Advance. | Act under which Advance was made. | Amount Advanced. | Amount Repaid. | Principal Outstanding. | Account of Advance and Reason for Remission. |
|---|---|---|---|---|---|
| | | £ s. d. | £ s. d. | £ s. d. | |
| Tithe Composition. | 4 Geo. 4. c. 99. | 279,451 2 7 | 51,724 6 6 | 227,726 16 1 | The money was advanced in order to facilitate the execution of the Irish Tithe Composition Act 4 Geo. 4. c. 99. Advances were made in the case of 2,345 different parishes during the period from 1824 to 1844 for the expenses of the execution of the Act, part of which expenses consisted in the remuneration of the Commissioners appointed under the Act to assess the composition to be paid in the several parishes. One of the Commissioners was appointed in most cases by or on behalf of the tithe-owner, and one by the vestry. The advances were to be repaid by the owners and occupiers of land in five equal yearly instalments, but the sum advanced to pay the Commissioner appointed by the tithe-owner was to be repaid out of the tithe composition at such time and in such manner as the Lord Lieutenant should direct. No interest was charged on the advances. Repayments commenced in 1826; but, after the tithe disturbances in 1831, and the passing of 2 & 3 Will. 4. c. 119., no further steps were taken for the recovery of the advances. |
| Tithe Relief | 3 & 4 Will. 4. c. 100.<br>1 & 2 Vict. c. 109.<br>2 & 3 Vict. c. 97. | 900,000 0 0 | Nil. | 900,000 0 0 | By the Act 3 & 4 Will. 4. c. 100., the issue of 1,000,000*l.* was authorised to render unnecessary the collection of tithes and compositions for tithes in Ireland in 1833, and of the arrears of tithes for the two preceding years. 640,000*l.* was advanced to tithe-owners to be repaid in five equal yearly instalments without interest. The Act 1 & 2 Vict. c. 109. provided for the remission in certain cases of these instalments, and also authorised the application of the instalments which were received, and of a further sum of 260,000*l.* authorised to be raised, towards indemnifying persons entitled to arrears of compositions for tithes for the years 1834–37. Partly in consequence of the above no instalments in respect of the 640,000*l.* reached the Consolidated Fund, and no part of the 260,000*l.* has ever been repaid, leaving a total of 900,000*l.* unpaid. This 900,000*l.* was raised by Exchequer Bills which, together with the sum of 31,862*l.* 10*s.* for interest thereon, were converted under 2 & 3 Vict. c. 97. s. 17. into 1,018,448*l.* 1*s.* 1*d.* capital stock. |

# CHAPTER 33.

## An Act to amend the Summary Procedure Act, 1864.

[11th August 1881.]

WHEREAS, by an Act passed in the ninth year of King George the Fourth, chapter twenty-nine, intituled An Act to authorise additional Circuit Courts of Justiciary to be held and to facilitate criminal trials in Scotland, provision was made for the summary prosecution of offences before sheriffs of counties in certain cases:

And whereas by an Act passed in the Parliament held in the seventh year of King William the Fourth and the first year of Her present Majesty, chapter forty-one, intituled "An Act for the more "effectual recovery of small debts in the sheriff courts and for "regulating the establishment of circuit courts for the trial of small "debt causes by the sheriffs in Scotland," herein-after called the Small Debt Act, 1837, provision was made for the recovery of statutory penalties by way of action in the sheriff court, and a scale of fees was fixed for such prosecutions:

27 & 28 Vict. c. 53. And whereas by the Summary Procedure Act, 1864, further provision was made for the trial of offences punishable on summary conviction, and for the summary recovery of penalties:

42 & 43 Vict. c. 49. And whereas by the Summary Jurisdiction Act, 1879, additional powers were conferred upon courts of summary jurisdiction in England to mitigate and modify punishments in summary proceedings:

And whereas it is expedient to amend the Summary Procedure Act, 1864, to extend certain of the provisions of the Summary Jurisdiction Act, 1879, to Scotland, and also to regulate the costs and expenses of summary procedure in Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited as the Summary Jurisdiction (Scotland) Act, 1881, and shall be construed as one with the Summary Procedure Act, 1864, so far as consistent with the tenour of these Acts respectively, and these Acts may be cited together as the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and shall apply to Scotland only.

Commencement of Act **2.** This Act shall commence on the first day of January one thousand eight hundred and eighty-two.

Application. **3.** The provisions of the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, herein-after called the Summary Jurisdiction Acts, shall apply to all summary proceedings as enumerated and described in the third section of the Summary Procedure Act, 1864, and to all proceedings of the like nature which by any future Act are directed or authorised to be taken summarily, or under the provisions of the Summary Jurisdiction Acts, and the thirty-second section of the Summary Procedure Act, 1864, is hereby repealed: And it shall not be necessary in any case to keep a record of the evidence, except so far as may be required by the Act conferring jurisdiction in the matter of the prosecution, or by the sixth section

of the Summary Prosecutions Appeals (Scotland) Act, 1875. Whereas doubts have arisen whether the third section of the Summary Procedure (Scotland) Act, 1864, includes and applies to prosecutions under the twenty-third and twenty-fourth sections of the Salmon Fisheries (Scotland) Act, 1868, be it enacted, that the provisions of the Summary Jurisdiction Acts shall apply to such prosecutions, and in all similar cases when in addition to a penalty a forfeiture is provided by statute. The provisions of the Summary Jurisdiction Acts shall also apply to prosecutions under the Tweed Fisheries Acts: Provided always, that it shall be in the option of the prosecutor to proceed either under the forms of the Tweed Fisheries Acts, or under the forms of the Summary Jurisdiction Acts: Provided also, that where there is a general or local Police Act in force, it shall be optional in police prosecutions either to use the forms prescribed by such Act, or the forms provided by the Summary Jurisdiction Acts.

38 & 39 Vict. c. 62.

31 & 32 Vict. c. 123.

**4.** The costs and expenses of all complaints and proceedings instituted under the Summary Jurisdiction Acts shall be regulated by the table of fees contained in the Schedule A. to this Act annexed, and no other or higher fees shall be allowed on taxation, and where expenses shall be awarded against a respondent the decree shall be subject to the following limitations:—

Regulation of of expenses.

(*a.*) Where the penalty or penalties imposed shall not exceed twelve pounds, the total expenses decerned for shall not exceed three pounds:

(*b.*) Where the penalty or penalties imposed shall not exceed twelve pounds but it appears to the Court that the reasonable expenses of the complainer's witnesses, together with the other expenses, exceed the sums herein-before allowed, the Court may direct the expenses of such witnesses to be paid in whole or in part out of the penalty.

The directions contained in the schedule shall be deemed to be part of this enactment.

**5.** In all proceedings under the Summary Jurisdiction Acts in every conviction, order, decree of absolvitor, decree dismissing the complaint, or other decree disposing of the complaint, and not at any subsequent time, the Court may, subject to the foregoing provisions, when a finding of expenses is competent, find such sum to be due in name of expenses, if any, as it considers reasonable. Expenses shall in all cases be recovered as if they formed part of the penalty, and the same diligence shall follow in case of default in payment.

Amount of expenses to be stated in conviction or decree.

**6.** In all proceedings under the Summary Jurisdiction Acts—

Power to mitigate penalties.

(*a.*) Where the punishment of imprisonment is imposed by Act of Parliament, the Court may, if it thinks the justice of the case demands it, substitute for imprisonment a fine not exceeding twenty-five pounds or reduce the amount of imprisonment, and notwithstanding any enactment to the contrary impose the same without hard labour, and when the punishment of a penalty or fine is imposed it may reduce the amount of such fine, and when in the case either of imprisonment or a fine the respondent is required to come under his own obligation or to find caution or security for keeping the peace

and observing some other condition, or to do any of such things, the Court may dispense with any such requirement or any part thereof:

Provided that nothing in this Act shall authorise the Court to reduce the amount of a fine when the Act prescribing such amount carries into effect a treaty, convention, or agreement with a foreign state, and such treaty, convention, or agreement stipulates for a fine of minimum amount:

Provided further, that this section shall not apply to proceedings taken under any Act relating to any of Her Majesty's regular or auxiliary forces:

(*b.*) Where a warrant of imprisonment is granted, whether in default of payment of a penalty or expenses, or for failure to find caution or security, or in default of recovery of sufficient goods by poinding and sale, when the amount adjudged to be paid, or for which security is to be found—

| | |
|---|---|
| Does not exceed ten shillings. | The period of imprisonment shall not exceed seven days. |
| Exceeds ten shillings but does not exceed one pound | Fourteen days. |
| Exceeds one pound but does not exceed five pounds - | One month. |
| Exceeds five pounds but does not exceed twenty pounds | Two months. |
| Exceeds twenty pounds - | Three months: |

(*c.*) Where any sum is adjudged to be paid, the Court may do any or all of the following things:

(1.) Allow time for payment:

(2.) Direct payment to be made by instalments:

(3.) Require security or caution to be found for the payment of such sums or instalments at such time or times as the Court may prescribe:

Where a sum is directed to be paid by instalments and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid.

The Court directing payment of a sum or of an instalment may direct the payment to be made at such times and places and to such person as the Court may specify, and every person to whom such sum or instalment is paid, where not the clerk of Court, shall as soon as may be pay over or account for the same to the clerk, to be applied by him in manner provided by the special Act. In complaints not founded on any special Act the maximum sentence shall continue to be as defined by the first recited Act.

Powers of sheriff.

**7.** In all prosecutions which might competently have been instituted by summary complaint and under the Summary Jurisdiction Acts, but which shall be instituted by criminal libel and shall be tried by the sheriff and a jury, the sheriff or his substitute shall have all the powers conferred by the preceding section upon the Court in proceedings under the Summary Jurisdiction Acts.

Imprisonment competent in default of recovery by poinding.

**8.** (1.) Subject to the provisions of section six, in all proceedings under the Summary Jurisdiction Acts where a warrant of poinding and sale is competent, a warrant of imprisonment in default

of recovery of sufficient goods shall likewise be competent for a period not exceeding three months, and the Court shall specify the term of imprisonment in the warrant.

Execution of warrants of poinding and sale. 7 Will. 4 & 1 Vict c. 41.

(2.) All warrants of poinding and sale under the Summary Jurisdiction Acts shall be executed in manner provided by the Small Debt Act, 1837, provided that in place of the customary notice of sale, notice of every sale under such warrants shall be given by advertisement in some newspaper circulating in the place of sale on the day of sale or within three days preceding the same.

Procedure.

**9.** (1.) Every complaint at the instance of a private prosecutor or complainer under the Summary Jurisdiction Acts may be signed either by such private prosecutor or complainer, or by a duly qualified law agent on his behalf, and such law agent may, in the absence of the private prosecutor or complainer, appear in Court, and conduct the prosecution on his behalf.

(2.) In all cases where a warrant of citation or apprehension is to be granted on sworn information, such information may be sworn to before any justice of the peace or magistrate of a burgh, although the prosecution is to be before the sheriff.

(3.) Where an adjournment is granted on the respondent's application, the Court may, instead of ordaining the respondent to find security to appear, appoint the respondent to attend the sitting of the court to which the case is adjourned under a suitable penalty in case he shall fail to appear.

(4.) In all cases where an appeal is competent, it shall be in the power of the Court of Appeal, on the application of either party and on such terms as to the Court shall seem fit, to amend the case, and all appeals from proceedings under the Summary Jurisdiction Acts shall be taken to the High Court of Justiciary at Edinburgh or on circuit.

(5.) A warrant of imprisonment may be in the form contained in the Schedule B. to this Act annexed.

Boundaries of jurisdiction.

**10.** In all proceedings for the trial of offences under the Summary Jurisdiction Acts—

(1.) Where the offence is committed in any harbour, river, arm of the sea, or other water (tidal or other) which runs between or forms the boundary of the jurisdiction of two or more courts, such offence may be tried by any one of such courts:

(2.) Where the offence is committed on the boundary of the jurisdiction of two or more courts, or within the distance of five hundred yards of any such boundary, or is begun within the jurisdiction of one court and completed within the jurisdiction of another court, such offence may be tried by any one of such courts:

(3.) Where the offence is committed on any person, or in respect of any property in or upon any carriage, cart, or vehicle whatsoever employed in a journey, or on board any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation, the person accused of such offence may be tried by any court through whose jurisdiction such carriage, cart, vehicle, or vessel passed in the course of the journey or voyage during which the offence was committed, and where the side, bank, centre, or other part of the highway, road,

river, lake, canal, or inland navigation along which the carriage, cart, vehicle, or vessel passed in the course of such journey or voyage is the boundary of the jurisdiction of two or more courts a person may be tried for such offence by any one of such courts:

(4.) Any offence which is authorised by this section to be tried by any court may be dealt with, heard, tried, determined, adjudged, and finished, as if the offence had been wholly committed within the jurisdiction of such court.

Application to Government prosecutions.

**11.** The Summary Jurisdiction Acts shall apply to all summary proceedings under the statutes relating to the Post Office.

Every offence under the statutes relating to the Post Office for which a person is liable to forfeit a sum not exceeding twenty pounds may be prosecuted in manner provided by the Summary Jurisdiction Acts.

The Summary Jurisdiction Acts shall, notwithstanding any special provisions to the contrary contained in any of the statutes relating to Her Majesty's revenue under the control of the Commissioners of Inland Revenue or the Commissioners of Customs, apply to all summary proceedings under or by virtue of any of the said statutes; and in such proceedings it shall be lawful to grant decree for the condemnation of goods seized as forfeited under the provisions of the said Acts, and prosecutions under the Revenue Acts shall continue to be subject to appeal to quarter sessions and to the Court of Exchequer in Scotland in manner therein provided:

Provided that where the sum adjudged by conviction under or by virtue of any of the said statutes to be paid exceeds fifty pounds, the period of imprisonment imposed in respect of the non-payment of such sum, or in respect of the default of a sufficient distress to satisfy such sum, may exceed three months but shall not exceed six months.

27 & 28 Vict. c. 53.

And the twenty-fifth section of the Summary Procedure Act, 1864, is hereby repealed in so far as it applies to proceedings under any of the statutes relating to Her Majesty's revenue.

Summonses, &c. may be served by police constables.

**12.** All summonses, complaints, warrants, orders, or other process in prosecutions under the Summary Jurisdiction Acts at the instance of procurators fiscal, parochial boards, or school boards may be served and executed by police constables within the county, burgh, or police district in which the persons upon whom the same are to be served or executed shall reside or may be found.

## SCHEDULE A.

### TABLE OF FEES.

I.—TO THE PROCURATOR FISCAL OR QUALIFIED LAW AGENT ACTING FOR A PRIVATE PROSECUTOR.

| | £ | *s.* | *d.* |
|---|---|---|---|
| Framing the complaint and whole proceedings prior to trial | 0 | 7 | 6 |
| Each copy of complaint for service | 0 | 1 | 0 |
| Attending at trial— | | | |
| If plea of guilty | 0 | 5 | 0 |
| If proof led | 0 | 7 | 6 |
| If case adjourned for second diet | 0 | 5 | 0 |

II.—COURT OR CLERK'S DUES.

| | £ | s. | d. |
|---|---|---|---|
| For each complaint | 0 | 2 | 6 |
| For whole proceedings at trial— | | | |
| If plea of guilty | 0 | 2 | 6 |
| If proof led | 0 | 5 | 0 |
| Extract of any judgment, conviction, or order | 0 | 1 | 0 |
| To the bar officer for whole proceedings— | | | |
| If plea of guilty | 0 | 0 | 6 |
| If proof led | 0 | 1 | 0 |

III.—OFFICER'S FEES.

| | | | |
|---|---|---|---|
| For serving each complaint and returning execution | 0 | 1 | 6 |
| For citing each witness | 0 | 0 | 6 |
| For apprehending a respondent or witness | 0 | 2 | 6 |
| For each hour the prisoner is necessarily in the custody of the officer beyond the first | 0 | 1 | 0 |

For travelling expenses, poinding, sale, or arrestment, the same allowances as in I. Vic., cap. 41.

In any case where a concurrent or assistant is required he will be allowed a sum equal to two thirds of the fee payable to the officer for the same business.

Where an officer or concurrent has to charge for a conveyance, the mileage rates will not be allowed.

## SCHEDULE B.

Decerns and adjudges the said to be imprisoned for the space of , and thereafter to be set at liberty, and for that purpose grants warrant to officers of law to convey the said to the prison of , thereafter to be dealt with in due course of law.

If the sentence of imprisonment is alternative the necessary variation will be made in this form.

# CHAPTER 34.

An Act to amend the Metropolitan Open Spaces Act, 1877. [11th August 1881.]

WHEREAS by the Metropolitan Open Spaces Act, 1877, certain facilities were provided for making available the open spaces in the metropolis for the use of the inhabitants thereof for exercise and recreation, and it is expedient to amend and extend the said Act, and to provide greater facilities for the purpose aforesaid: 40 & 41 Vict. c. 35.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation clause.

1. In this Act, unless the context otherwise requires—

"Open space" means any land (whether inclosed or uninclosed) which is not built on, and which is laid out as a garden or is used for purposes of recreation, or lies waste and unoccupied; but shall not include any inclosed land which has not a public road or footpath completely round the same;

18 & 19 Vict. 120.

"The metropolis" means the metropolis as defined by the Metropolis Management Act, 1855;

"The Metropolitan Board" means the Metropolitan Board of Works as constituted by the same Act;

"Vestry" means a vestry of one of the parishes specified in Schedule A. of the same Act;

"District board" means a board of works of one of the districts specified in Schedule B. of the same Act;

"The corporation" means the mayor and commonalty and citizens of the city of London, and the powers conferred upon them by this Act may be exercised by the mayor, aldermen, and commons of the said city in common council assembled;

The "owner" of a churchyard, cemetery, or burial ground means the person or persons, corporation sole, or body corporate in whom the soil and freehold of such churchyard, cemetery, or burial ground is vested, whether as appurtenant or incident to any benefice or cure of souls, or otherwise;

The term "burial ground" shall include any ground, whether consecrated or not, which has been at any time set apart for the purposes of interment, and in which interments have taken place since the year 1800.

Power to trustees to transfer certain open spaces to local authority.

**2.** Where any open space within the metropolis is under the provisions of any Private or Local Act of Parliament placed under the care and management of trustees or other persons, with a view to the preservation and regulation of the same as a garden or open space, it shall be lawful for the said trustees or other the managing body thereof for the time being, in pursuance of any resolution duly passed as herein-after mentioned, and with the consent, to be signified in manner herein-after appearing, of the owners and occupiers of any houses fronting upon, or the owners or occupiers of which are liable to be specially rated for the maintenance of the open space, to convey, assign, or transfer for valuable or nominal consideration, or by way of gift, to the Metropolitan Board, or to the vestry or district board of the parish or district in which such open space or any part thereof is situate, the soil and freehold of, or other their entire interest in, or (where no interest in the soil of such open space is vested in them) the entire care and management of the said open space, to the end that the same may be preserved for the enjoyment of the public; and upon such conveyance, assignment, or transfer such trustees or other managing body shall be relieved and discharged from all trusts, powers, and duties imposed upon them by the Act or other instrument under which they were constituted, or under which they then act or otherwise with reference to the said open space, but shall hold any purchase money paid for or in respect of the said open space in trust for the benefit of the persons or class of persons for whose benefit the said open space was previously preserved and managed by the said trustees, and such persons or class of persons shall be discharged from any special rate or other obligation previously imposed on them in respect of such open space.

It shall be lawful for any such trustees or managing body as aforesaid, in pursuance of any such resolution as aforesaid, and with such consent as aforesaid, for any valuable or nominal considera-

tion, by way of rent or otherwise, or without any consideration, to grant or transfer to the Metropolitan Board, or to any such vestry or district board as aforesaid, any term of years or other limited interest in or any right or easement over such open space, or to enter into any agreement with the Metropolitan Board or any such vestry or district board as aforesaid for the opening to the public of such open space, and the care and management thereof by such board or vestry at all times or at any specified time or times, without the transfer to such board or vestry of any interest in the soil of such open space; and any such grant, demise, transfer, or agreement as aforesaid shall be deemed a good execution of the trusts, powers, and duties imposed upon the said trustees by the Act or other instrument under which they are constituted or act.

A resolution under this section shall be deemed to have been duly passed if at a meeting of the trustees or other the persons constituting such managing body as aforesaid summoned by at least one month's notice in writing left at or sent by post to their last known or usual place of abode, such resolution shall have been passed by a majority of two thirds in number of the persons present at such meeting, and if such resolution shall also have been confirmed by two thirds in number of the persons present at a second like meeting, to be summoned by such notice as aforesaid, and to be held at an interval of not less than one calendar month from the first meeting.

The consent of such owners and occupiers of houses as aforesaid shall be held to have been given and signified if, at a meeting of such persons summoned by at least one month's notice in writing given as herein-after directed, a resolution shall have been passed by a majority of at least two thirds in number of the persons present at such meeting consenting to the conveyance, grant, or transfer of the said open space as aforesaid, or to such an agreement with the Metropolitan Board, vestry, or district board as aforesaid, and if such resolution shall also have been confirmed by two thirds in number of such owners and occupiers present at a second like meeting, to be summoned in like manner to the first meeting, and to be held at an interval of not less than one calendar month from the first meeting.

Notice of such meeting shall be given by leaving the same or sending the same through the post to every house fronting upon, or the owner or occupier of which is liable to be specially rated for the maintenance of, the said open space, and by inserting the same as an advertisement at least three times in any two or more London daily papers, and such notice shall state generally the object of the said meeting, and no such meeting shall be held between the first day of August in one year and the thirty-first day of January in the following year.

For the purposes of this section the owner of a house shall include any person entitled to any term of years therein; and the occupier of a house shall be the person rated to the relief of the poor in respect of the said house.

If at any meeting of such trustees or managing body, or at any meeting of such owners or occupiers as before mentioned, the resolution proposed at any such meeting be not carried, no meeting

shall be called or held with the same object in respect to the same garden or open space until the expiration of three years from the day on which such resolution so proposed was rejected at any such meeting as above mentioned.

A conveyance, assignment, demise, grant, or agreement under this section shall be made by an instrument under the common seal of the trustees or other managing body if such body be a corporation, and if it be not a corporation under the hands and seals of any five members of such body, or of all the members thereof if for the time being they be less than five in number.

The trustees or other the managing body of any such open space as aforesaid may (anything contained in the Act or other instrument under which they are constituted or act to the contrary notwithstanding), in pursuance of any such resolution as aforesaid, and with such consent as aforesaid, signified as aforesaid, admit persons not owning, occupying, or residing in any house fronting on the said open space to the enjoyment of the said open space at all times, or at any specified time or times, and may regulate the admission of such persons thereto on such terms and conditions in all respects as the trustees may think proper.

Any trustees so acting as aforesaid shall have the same power of making byelaws as that conferred by the fourth section of the Act passed in the twenty-sixth year of Her Majesty, chapter thirteen, intituled "An Act for the protection of certain garden or "ornamental grounds in cities and boroughs upon the committee "therein mentioned."

Where the freehold of any such open space as is referred to in this section, and the freehold of all or of the major part of the houses round such open space are vested in the same person or persons, the powers conferred by this section shall not be exercised without the consent of such person or persons.

Power to transfer other open space to local authority.

**3.** The owner of any open space within the metropolis which is subject to rights of user for exercise and recreation (secured by covenant or otherwise) in the owners and occupiers (or either of such classes) of any houses round or near the same may, with the consent (to be signified in manner herein-after appearing) of such owners and occupiers of houses, convey to the Metropolitan Board, or to the vestry or district board of the parish or district in which such open space or any part thereof is situate, the soil of the said open space in trust for the enjoyment of the public; and the owner or any person or persons in whom any term of years or other limited interest in such open space is vested may, with the like consent, grant or transfer to the Metropolitan Board or such vestry or district board as aforesaid, in trust as aforesaid, any term of years or other limited interest in or any right or easement over such open space, or enter into any agreement with the Metropolitan Board or any such vestry or district board as aforesaid for the opening to the public of such open space, and the care and management thereof by such board or vestry either at all times or at any specified time or times without the transfer to such board or vestry of any interest in the soil of such open space.

The consent of such owners and occupiers of houses as aforesaid shall be held to have been given and signified if at a meeting of

such persons summoned by at least one month's notice in writing (given as herein-after directed) a resolution shall have been passed by a majority of at least two thirds in number of the persons present at such meeting consenting to the conveyance, grant, or transfer of the said open space as aforesaid, or to such an agreement with the Metropolitan Board, vestry, or district board as aforesaid, and the owner shall be thereupon discharged from any liability to any person entitled to such right of user as aforesaid in respect of any act done in accordance with such resolution.

Notice of such meeting shall be given by leaving the same or sending the same through the post to every house, the owner or occupier of which is entitled to any right of user, and by inserting the same as an advertisement at least three times in any two or more London daily papers, and such notice shall state generally the object of the said meeting; and no such meeting shall be held between the first day of August in one year and the thirty-first day of January in the following year.

For the purposes of this section the owner of an open space shall be any person or persons in whom the soil of the open space is vested for an estate in possession during his or their life or lives or for any larger estate; the owner of a house shall include any person entitled to any term of years therein; and the occupier of a house shall be the person rated to the relief of the poor in respect of the said house.

Power to transfer disused burial grounds to local authority.

**4.** The owner of any churchyard, cemetery, or burial ground situate within the metropolis, and closed for burials either under an order of Her Majesty the Queen in Council, or otherwise, may convey the soil of such churchyard, cemetery, or burial ground, or grant any term of years or other limited interest therein to or enter into any agreement with the Metropolitan Board or the vestry or district board of the parish or district in which such churchyard, cemetery, or burial ground, or any part thereof, is situate for the purpose of giving the public access to the said churchyard, cemetery, or burial ground, and preserving the same as an open space accessible to the public, and under the control of such board or vestry, and for the purpose of improving and laying out the same.

Powers and duties of local authority.

**5.** The Metropolitan Board and the vestry or district board of the parish or district within which any open space, churchyard, cemetery, or burial ground, or any part thereof, is situate may, by agreement, and for valuable or nominal consideration by way of payment in gross or of rent, or otherwise, or without any consideration, take and hold the soil and freehold of, or any term of years or other limited estate or interest in, or any right or easement in or over any open space, churchyard, cemetery, or burial ground, and may, with reference to any open space, churchyard, cemetery, or burial ground, undertake the entire or partial care, management, and control thereof, whether any interest in the soil is transferred to the board or vestry or not, and may for the purposes aforesaid enter into any agreement with the persons authorised by this Act to agree with reference to any open space, churchyard, cemetery, or burial ground or with any other persons interested therein.

Any estate or interest in or control over any open space, churchyard, cemetery, or burial ground acquired by the Metropolitan

Board, or any vestry or district board under the provisions of this Act, shall be held and administered by such board or vestry in trust to allow, and with a view to, the enjoyment by the public of such open space, churchyard, cemetery, or burial ground in an open condition, free from buildings and under proper control and regulation, and for no other purpose, but such Metropolitan Board, vestry, or district board shall not allow the playing of any games or sports therein; and the board or vestry shall maintain and keep the same in a good and decent state, and may inclose or keep the same inclosed with proper railings and gates, and may drain, level, lay out, turf, plant, ornament, light, seat, and otherwise improve the same, and do all such works and things, and employ such officers and servants, as may be requisite for the purposes aforesaid, or any of them.

Provided that no board or vestry shall exercise any of the powers of management in this Act mentioned with reference to any consecrated ground, unless and until they are authorised so to do by the license or faculty in that behalf of the bishop of the diocese in which such consecrated ground is situate, which license or faculty may be granted by such bishop upon the application of the board or vestry, and may extend to the removal of any tombstone or monument, under such conditions and subject to such restrictions as to the bishop may seem fit.

Byelaws.

**6.** The Metropolitan Board and any vestry or district board may, with reference to any open space, churchyard, cemetery, or burial ground in or over which it has acquired any estate, interest, or control under the provisions of this Act, make byelaws for the regulation thereof, and of the days and times of admission thereto, and the preservation of order and prevention of nuisances therein, and may by such byelaws impose penalties for the infringement thereof, and provide for the removal of any person infringing any such byelaw by any officer of the board or vestry or police constable.

Byelaws made under this Act shall be made in the same manner and subject to the same conditions as byelaws made by the Metropolitan Board or by a vestry or district board, as the case may be, under the Metropolis Management Act, 1855.

Metropolitan Board and vestry or district board may carry out Act jointly.

**7.** The Metropolitan Board or any vestry or district board, and where an open space extends into two or more parishes or districts two or more vestries or district boards, either with or without the Metropolitan Board, may jointly carry out the provisions of this Act, and may enter into any agreement, on such terms as may be arranged between them, for so doing and for defraying the expenses of the execution of the Act, and the Metropolitan Board may defray the whole or any part of the expenses of the execution of this Act by any vestry or district board, and any vestry or district board may similarly defray the whole or any part of the expenses of the Metropolitan Board or, where an open space extends into two or more parishes or districts, of any other vestry or district board.

Provision for extra-parochial places.

**8.** Where any open space, churchyard, cemetery, or burial ground, by virtue of any Act of Parliament or otherwise, is extra-paro-

chial, or forms part of some parish other than that which surrounds the same, the vestry or district board acting for the parish surrounding the same may carry out, or may enter into agreement with any one or more vestries or district boards acting for any other parishes, on such terms as may be arranged between them, and may jointly carry out, the provisions of this Act, and shall have the same powers in every respect as if such open space, churchyard, cemetery, or burial ground were part of the parish or district of such vestry or district board

Provision for compensation

**9.** No estate, interest, or right of a profitable or beneficial nature in, over, or affecting an open space, churchyard, cemetery, or burial ground shall, except with the consent of the body or person entitled thereto, be taken away or injuriously affected by anything done under this Act without compensation being made for the same; and such compensation shall be paid by the Metropolitan Board, vestry, or district board by which such estate, interest, or right is taken away or injuriously affected, and shall, in case of difference, be ascertained and provided in the same manner as if the same compensation were for the compulsory purchase and taking or the injurious affecting of lands under the provisions of the Lands Clauses Consolidation Act, 1845, and any Acts amending the same. 8 & 9 Vict. c. 18.

Expenses

**10.** All expenses incurred under this Act by the Metropolitan Board or by any vestry or district board shall be defrayed out of the funds at their disposal respectively, or which they respectively are empowered to raise under the Metropolis Management Act, 1855, and the several Acts amending the same; and such expenses shall be deemed to be expenses for which provision is made by such Acts.

Extent of Act.

**11.** This Act shall extend only to the metropolis, and shall not extend to the royal parks or to any land belonging to Her Majesty in right of her Crown or of her Duchy of Lancaster, or to any garden, ornamental ground, or ornamental land for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851, or to any metropolitan common within the meaning of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869. 14 & 15 Vict. c. 95. 29 & 30 Vict. c. 122. 32 & 33 Vict. c. 107.

Application in city of London.

**12.** The powers in this Act conferred on and in relation to the Metropolitan Board, vestries, and district boards shall in the city of London be exercised by and have relation to the corporation, who shall defray, out of the metage of grain duty or otherwise, all the expenses caused by or connected with the execution of such powers by them; and any byelaws made by the corporation for the regulation of any open space acquired under the powers of this Act shall be made and allowed in manner prescribed by the Corporation of London (Open Spaces) Act, 1878. 41 & 42 Vict. c. cxxvii.

Short title.

**13.** This Act may be cited as the Metropolitan Open Spaces Act, 1881; and this Act and the Metropolitan Open Spaces Act, 1877, may together be cited as the Metropolitan Open Spaces Acts, 1877 and 1881.

# CHAPTER 35.

An Act to amend the Law relating to Coroners in Ireland.

[11th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal.

**1.** That from and after the passing of this Act the several parts of the Act herein-after mentioned shall be and the same are hereby repealed; that is to say, so much of an Act passed in the ninth and tenth years of Her present Majesty, intituled "An Act to amend the "laws relating to the office of coroner and the expenses of inquests "in Ireland," as relates to the election of coroners for counties continuing for two days, and their property qualification, and the payment of such coroners for counties, and so much of the said Act and the Schedule C. thereto as relates to the payment of poor witnesses attending at inquests.

9 & 10 Vict. c. 37.

Qualification of coroner.

**2.** From and after the passing of this Act, no person shall be elected or chosen to the office of coroner unless at the time of being so elected or chosen he is qualified as follows; that is to say,

(*a.*) Is duly qualified to practise medicine or surgery, and registered as such under the Medical Act of 1858, or any Act amending the same; or

21 & 22 Vict. c. 90.

(*b.*) Is a barrister-at-law; or

(*c.*) Is a solicitor of the Supreme Court of Judicature in Ireland; or

(*d.*) Is a justice of the peace of five years standing.

Provided that no coroner, being such registered medical practitioner as aforesaid, shall hold an inquisition on the dead body of any person, on whom he shall have been in professional attendance within one month before the death of such person.

Remuneration of coroner.

**3.** On and after the first day of November one thousand eight hundred and eighty-one, there shall be paid to every coroner, in lieu of the fees and allowances which, if this Act had not passed, he would have been entitled to receive, an annual salary, equal to the average amount of the fees upon inquests held by him or his predecessor in said office during the five years last past, calculated at not less than two pounds sterling, for each inquest held by him or his predecessor during said period: Provided always, that the treasurer of each county or borough and borough respectively shall pay out of the county rates or borough fund such salary to every such coroner half-yearly; and whenever, from death or removal, any coroner shall not be entitled to a salary for the whole of a half year, a proportionate part of the salary shall be paid him, or, in case of his death, it shall be paid to his personal representative: Provided that nothing herein contained shall in any manner take away, alter, or deprive any such coroner of the right to be repaid out of the county rates or borough fund the expenses and disbursements which may have been made by him on the holding of any inquest: And provided always, that every county coroner shall also be paid mileage for each mile travelled, going to and returning from each inquest, at the rate of sixpence per mile, which he may

have travelled in order to hold such inquest: Provided also, that when upon the death, illness, incapacity, or removal of any such coroner, the coroner of the adjoining district, in the same county, who shall be called upon to act as coroner in said vacant district, shall, for each inquest held by him in said district, be paid a sum of two pounds sterling, which the grand jury of such county wherein such vacancy has taken place are hereby directed to pay out of the county rates to all coroners discharging such extra duties.

Polling to continue for one day.

**4.** From and after the passing of this Act, so much of the Act ninth and tenth Victoria, chapter thirty-seven, as authorises the polling at elections for coroners to continue for two days shall be and the same is hereby repealed, and such polling shall continue for one day only.

Payment of witnesses.

**5.** From and after the passing of this Act, it shall and may be lawful for any coroner or two justices of the peace, by whom an inquest is held in Ireland, if he or they shall so think fit, to pay to any poor witness, for each day of attendance at such inquest, any sum not exceeding two shillings per day, as shall seem just and reasonable, and to pay any sum, not exceeding five shillings, as shall be reasonable for the removal of any dead body from the place where such dead body was found to the house or building in which an inquest thereon is intended to be held.

Jury on inquest.

**6.** In case no twelve of the jurors who may be sworn upon a coroner's inquest shall agree and return a verdict within such reasonable time as the coroner or the magistrates before whom such inquest is being held shall determine, such coroner or magistrates shall then be at liberty, and are hereby authorised to discharge such jury, and upon their discharge to proceed anew, if he or they shall so think fit, to have another jury summoned and sworn to hold an inquest (none of the former jurors to be eligible to serve upon said inquest), and obtain the attendance of witnesses thereat, as in manner provided for the holding of inquests.

Bail in cases of manslaughter

**7.** In every case in which a coroner's jury shall have found a verdict of manslaughter against any person or persons, it shall be lawful for the coroner or two justices of the peace before whom the inquest was taken to accept bail, if he or they shall think fit, with good and sufficient sureties for the appearance of the person or persons so charged with the offence of manslaughter at the next assize and general gaol delivery to be holden in and for said county within which such inquest was taken, and thereupon such person or persons, if in the custody of any officer, or in a gaol under a warrant of commitment issued by such coroner or justices of the peace, shall be discharged therefrom.

Recognizances.

**8.** In every case in which any coroner or justices of the peace shall admit any person to bail, he or they shall cause recognizances to be taken in the form given in the schedule of this Act, and shall, without unnecessary delay, return such recognizances to the clerk of crown for such county, and such coroner or justices of the peace shall be entitled to such fees and charges as the clerks of petty sessions are by law entitled to on admitting persons charged to bail.

Depositions.

**9.** At any time after all the depositions of witnesses at any inquest shall have been taken, every person against whom any coroner's jury may have found a verdict of murder or manslaughter shall be entitled to have, from the coroner or from the person having custody of the same, copies of the depositions on which such verdict shall have been found, on payment of a reasonable sum, not exceeding the rate of twopence for every folio of ninety words.

Extent of Act.

**10.** This Act shall extend to Ireland only, and shall not include the city of Dublin.

## SCHEDULE.

Be it remembered, that, on the day of in the year of our Lord , *A.B.* of [*farmer*], *L.M.* of [*grocer*], and *N.O.* of [*butcher*], came before me [*or* us], one of Her Majesty's coroners [*or* two of Her Majesty's justices of the peace] for the [*county or borough*] of , and severally acknowledged themselves to owe to our Lady the Queen the several sums following; that is to say, the said *A.B.* the sum of and the said *L.M.* and *N.O.* the sum of each, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, her heirs and successors, if the said *A.B.* fail to perform the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at , before me [*or* us],

*J.S.* SEAL.

Coroner [*or* two justices of the peace] for the [*county or borough*] of

### CONDITION INDORSED.

The condition of the within recognizance is such, that whereas a verdict of manslaughter has been found against the said *A.B.* by a jury impannelled to inquire how and by what means came by [*his*] death: If, therefore, the said *A.B.* shall appear at the next court of oyer and terminer and general gaol delivery to be holden in and for the [*county*] of , and there surrender himself into the custody of the keeper of the gaol there, and plead to such inquisition, or such other indictment as may be preferred against him, and take his trial upon same, and not depart the said court without leave, then the said recognizance shall be void, or else the same shall stand in full force and virtue.

# CHAPTER 36.

## An Act to authorise the establishment of a Court of Appeal for Her Majesty's Colony of British Honduras.

[11th August 1881.]

WHEREAS the Legislative Council of Her Majesty's Colony of British Honduras is desirous, and the Legislative Council of Her Majesty's Island of Jamaica is willing, that an appeal should be provided from the decisions of the Supreme Court of Judicature of British Honduras to the Supreme Court of Judicature of Jamaica,

but effectual provision for that purpose cannot be made without the authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Her Majesty may constitute the Supreme Court of Judicature of Jamaica a Court of Appeal from the Supreme Court of Judicature of British Honduras.

**1.** It shall be lawful for Her Majesty by any Order, to be made by her with the advice of Her Privy Council, to constitute the Supreme Court of Judicature of the Island of Jamaica a Court of Appeal for hearing and determining appeals from the judgments, decrees, orders, sentences, and decisions of the Supreme Court of Judicature of the Colony of British Honduras, and from and after the proclamation of such Order in Council in each of the said colonies, or from and after such subsequent date as may be appointed by such Order, any person or persons may appeal from any judgment, decree, order, sentence, or decision of the Supreme Court of Judicature of British Honduras to the Supreme Court of Judicature of Jamaica, and such last-mentioned court shall have jurisdiction to hear and determine such appeals in such manner, within such time, and under and subject to such rules and limitations as Her Majesty by the same Order or by any other Order or Orders in Council shall prescribe or appoint, or, if Her Majesty by any such Order shall so direct, as the same court, with the approval of one of Her Majesty's Principal Secretaries of State, shall from time to time prescribe or appoint.

Orders of Appeal Court to be enforced by Supreme Court of British Honduras.

**2.** The Supreme Court of Judicature of British Honduras shall, in all cases of appeal to the Supreme Court of Judicature of Jamaica under or by virtue of any such Order in Council as aforesaid, conform to and execute or cause to be executed such judgments and orders as the Supreme Court of Judicature of Jamaica shall make in such manner as if the same had been judgments or orders of the Supreme Court of Judicature of British Honduras.

Short title.

**3.** This Act may be cited as the British Honduras (Court of Appeal) Act, 1881.

## CHAPTER 37.

An Act to consolidate the Alkali Acts, 1863 and 1874, and to make further provision for regulating Alkali and certain other works in which noxious or offensive gases are evolved. [11th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### PRELIMINARY.

Short title.

**1.** This Act may be cited as the Alkali, &c. Works Regulation Act, 1881.

Commencement of Act.

**2.** This Act shall (save as otherwise provided in this Act) come into operation on the first day of January 1882, which date is herein-after referred to as the commencement of this Act.

## PART I.

### *Alkali Works and Alkali Waste.*

Condensation of muriatic and other acid gases in alkali works.

**3.** Every alkali work shall be carried on in such manner as to secure the condensation, to the satisfaction of the chief inspector, derived from his own examination, or from that of some other inspector—

(*a.*) Of the muriatic acid gas evolved in such work, to the extent of ninety-five per centum, and to such an extent that in each cubic foot of air, smoke, or chimney gases, escaping from the works into the atmosphere, there is not contained more than one fifth part of a grain of muriatic acid.

(*b.*) Of the acid gases of sulphur and nitrogen which are evolved in the process of manufacturing sulphuric acid or sulphates in the work, to such an extent that the total acidity of such gases in each cubic foot of air, smoke, or gases, escaping into the chimney or into the atmosphere, does not exceed what is equivalent to four grains of sulphuric anhydride.

The owner of any alkali work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds.

Best practicable means to be used for preventing discharge of noxious and offensive gases in alkali works.

**4.** In addition to the condensation of acid gases as aforesaid, the owner of every alkali work shall use the best practicable means for preventing the discharge into the atmosphere of all noxious gases and of all offensive gases evolved in such work, or for rendering such gases harmless and inoffensive when discharged, subject to the qualification that no objection shall be taken under this section by an inspector to any discharge of gas by a chimney or flue, on the basis of the amount of acid gas per cubic foot of air, smoke, or gases where that amount does not exceed the amount limited by the last preceding section.

If the owner of any alkali work fails, in the opinion of the court having cognisance of the matter, to use such means, he shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

Acid drainage and alkali waste to be kept apart

**5.** Every work in which acid is produced or used shall be carried on in such manner that the acid shall not come in contact with alkali waste, or with drainage therefrom, so as to cause a nuisance.

The owner of any work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

On the request of the owner of any such work as is mentioned in this section the sanitary authority of the district in which such work is situate shall, at the expense of such owner, provide and maintain a drain or channel for carrying off the acid produced in such work into the sea or into any river or watercourse into

which such acid can be carried without contravention of the Rivers Pollution Prevention Act, 1876; and the sanitary authority shall for the purpose of providing any such drain or channel have the like powers as they have for providing sewers, whether within or without their district, under the Public Health Act. 39 & 40 Vict. c. 75.

Compensation shall be made to any person for any damage sustained by him by reason of the exercise by a sanitary authority of the powers conferred by this section, and such compensation shall be deemed part of the expenses to be paid by the owner making the request to the sanitary authority under this section.

Deposit or discharge of alkali waste.

**6.** Alkali waste shall not be deposited or discharged without the best practicable means being used for effectually preventing any nuisance arising therefrom.

Any person who causes or knowingly permits any alkali waste to be deposited or discharged in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

Prevention of nuisance from alkali waste already deposited or discharged.

**7.** Where alkali waste has been deposited or discharged, either before or after the commencement of this Act, and complaint is made to the chief inspector that a nuisance is occasioned thereby, the chief inspector, if satisfied of the existence of the nuisance, and that it is within the power of the owner or occupier of the land to abate it, shall serve a notice on such owner or occupier requiring him to abate the nuisance; and if such owner or occupier fails to use the best practicable and reasonably available means for the abatement thereof he shall be liable to a fine not exceeding twenty pounds, and if he does not proceed to use such means within such time as shall be limited by the court inflicting such fine then he shall be liable to a further penalty of five pounds per day from the expiration of the time so limited.

## Part II.

### *Sulphuric Acid Works and other specified Works.*

Condensation of acid gases in sulphuric acid works.

**8.** Every sulphuric acid work as defined in the schedule to this Act shall be carried on in such manner as to secure the condensation, to the satisfaction of the chief inspector, derived from his own examination or from that of some other inspector, of the acid gases of sulphur and nitrogen which are evolved in the process of the manufacture of sulphuric acid in such work, to such an extent that the total acidity of such gases in each cubic foot of air, smoke, or gases escaping into the chimney or into the atmosphere does not exceed what is equivalent to four grains of sulphuric anhydride.

The owner of any sulphuric acid work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds.

Best practicable means to be used for preventing discharge of

**9.** The owner of any work specified in the schedule to this Act (herein-after referred to as a scheduled work) shall use the best practicable means for preventing the discharge into the atmosphere of all noxious gases and of all offensive gases evolved in such work,

noxious and offensive gases in scheduled works.

or for rendering such gases harmless and inoffensive when discharged, subject to the qualification, in the case of sulphuric acid works, that no objection shall be taken under this section by an inspector to any discharge of gas by a chimney or flue, on the basis of the amount of acid gas per cubic foot of air smoke or gases, where that amount does not exceed the amount limited by the last preceding section.

If the owner of any such work fails, in the opinion of the court having cognisance of the matter, to use such means, he shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

Provisional Order to prevent discharge of certain gases in salt works.

**10.** An inspector may from time to time inquire whether, in any works in which the extraction of salt from brine is carried on, herein-after called salt works, means can be adopted at a reasonable expense for preventing the discharge from the furnaces or chimneys of such works into the atmosphere of sulphurous and muriatic acid gases evolved in such works, or either of such gases, or for rendering such gases, or either of them, harmless or inoffensive when discharged; also whether in any works in which aluminous deposits are treated for the purpose of making cement, herein-after called cement works, such means as aforesaid can be adopted with respect to the noxious or offensive gases evolved from such works.

Where it appears to the Local Government Board that such means can be adopted at a reasonable expense the Board may from time to time by order require the owners of such works to adopt the best practicable means for the purpose, and may by the order limit the amount or proportion, in the case of salt works, of sulphurous or muriatic acid gas, and in the case of cement works of any noxious or offensive gas, which is to be permitted to escape from such works into the chimney or into the atmosphere, and may also by the order extend to such works such provisions of this Act relating to scheduled works as they see fit.

An order made under this section shall be provisional only and shall not be of any validity until confirmed by Parliament, but when so confirmed shall have full effect, with such modifications as may be made therein by Parliament; and the expression "this Act" when used in this Act shall be deemed to include an order so confirmed, so far as is consistent with the tenor of that order.

The Board shall take such steps as they may think fit for giving notice to persons interested of the provisions of any order made by them under this section before any Bill for confirming the same is introduced into Parliament.

An order made under this section may impose fines for a breach of its provisions of like amount as any fines imposed by this Act for offences against this Act.

## PART III.

### (i.) *Registration of Works.*

Registration of works and stamp duty.

**11.**—(1.) An alkali work or a work to which Part II. of this Act applies shall not, after the first day of April 1882, be carried on unless it is certified to be registered.

(2.) The work shall be registered in a register containing the prescribed particulars, and the register shall be conducted and the certificates issued in the prescribed manner.

(3.) The owner of an alkali work or of a work required to be registered shall in the month of January or February in every year apply for a certificate of registration in the prescribed manner, and on such application and compliance with the conditions as to registration the certificate shall be issued, and shall be in force for one year from the first day of April following the said application.

(4.) The owner of an alkali work or of a work required to be registered erected after the commencement of this Act shall before commencing any manufacture or process in such work apply for such certificate in the prescribed manner, and on such application and compliance with the conditions as to registration the certificate shall be issued as soon as may be, and shall be in force until the next first day of April.

There shall be charged in respect of every such certificate, in the case of an alkali work, the duty of five pounds; and in the case of a work required to be registered, not being an alkali work, the duty of three pounds.

(5.) Written notice of any change which occurs in the ownership of a work or in the other particulars stated in the register shall within one month after such change be sent by the owner to an inspector, and the register and the certificate shall be altered accordingly in the prescribed manner without charge and without the issue of a new certificate. If such notice is not sent as so required the work shall not be deemed to be certified to be registered.

(6.) The owner of a work which is carried on in contravention of this section shall be deemed guilty of an offence against this Act, and shall be liable to a fine not exceeding five pounds for every day during which it is so carried on.

Certificate of inspector prior to registration of new works.

**12.** An alkali work or a scheduled work, erected after the commencement of this Act, or which has been closed for a period of twelve months, shall not be registered under this Act unless the work is furnished with such appliances as at the time of registration appear to the chief inspector after his own examination, or that of an inspector, or in case of difference to the central authority, to be necessary in order to enable the work to be carried on in accordance with such requirements of this Act as for the time being apply to such work.

Supplemental provisions as to duties.

**13.** The duties charged in respect of a certificate of registration under this Act shall be stamp duties under the management of the Commissioners of Inland Revenue, and all the Acts relating to stamp duties, particularly those relating to forgery fraudulent dies and other offences in connexion with stamp duties, shall apply accordingly; and for the purpose of the said duties the Commissioners of Inland Revenue shall issue stamped forms of certificate, and the Commissioners may issue the same at any time after the passing of this Act.

(ii.) *Inspection.*

Appointment of inspectors.

**14.** The Local Government Board shall at any time after the passing of this Act, and from time to time, with the approval of the Commissioners of Her Majesty's Treasury as to numbers and salaries or remuneration, appoint such inspectors (under whatever title they from time to time fix) as the Board think necessary for the execution of this Act, and may assign them their duties and award them their salaries or remuneration, and shall constitute a chief inspector, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors.

Notice of the appointment of every such inspector shall be published in the London Gazette, and a copy of the Gazette shall be evidence of the appointment.

The salaries or remuneration of the inspectors, and such expenses of the execution of this Act as the Commissioners of Her Majesty's Treasury may sanction, shall be paid out of moneys provided by Parliament.

26 & 27 Vict. c. 124. 37 & 38 Vict. c. 43.

The inspector appointed before the commencement of this Act under the Alkali Acts, 1863 and 1874, shall be deemed to be the first chief inspector under this Act, and the sub-inspectors appointed under those Acts before the commencement of this Act shall be deemed to be inspectors appointed under this Act. A person holding the office of chief inspector (other than the person at the commencement of this Act discharging the duties thereof) or inspector shall not be employed in any other work except by or with the sanction of the authority appointing him to such office.

Disqualification of certain persons for inspectors.

**15.** A person who acts or practices as a land agent, or who is engaged or interested directly or indirectly in any work to which this Act applies, or in any patent for any process or apparatus carried on or used in any such work, or in any process or apparatus connected with the condensation of acid gases, or with the treatment of alkali waste, or with preventing the discharge into the atmosphere or rendering harmless or inoffensive any noxious or offensive gas, or otherwise with any of the matters dealt with by this Act, or who is employed in or about or in connexion with any work to which this Act applies, or in any other chemical work for gain, shall be disqualified to act as an inspector under this Act.

Powers of inspectors.

**16.** For the purpose of the execution of this Act, an inspector may at all reasonable times by day and night, without giving previous notice, but so as not to interrupt the process of the manufacture, enter and inspect any work to which this Act applies, and examine any process causing the evolution of any noxious or offensive gas, and any apparatus for condensing any such gas, or otherwise preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, and may ascertain the quantity of gas discharged into the atmosphere, condensed, or otherwise dealt with; and may enter and inspect any place where alkali waste is treated or deposited, or where any liquid containing acid is likely to come into contact with alkali waste; and generally may inquire into all matters and processes which tend to show compliance or non-compliance with

such of the provisions of this Act as are for the time being applicable to the work or place entered, or which seem necessary or proper for the execution of his duties under this Act.

An inspector may, but so as not to interrupt the process of the manufacture, apply any tests and make any experiments he may think proper for the purpose of the execution of his duties under this Act.

Facilities for inspection.

**17.** The owner of any work to which this Act applies shall, on the demand of the chief inspector, furnish him within a reasonable time with a plan, to be kept secret, of those parts of such work in which any process causing the evolution of any noxious or offensive gas, or any process for the condensation of such gas or preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, is carried on.

The owner of every such work and his agents shall render to every inspector all necessary facilities for an entry inspection examination and testing in pursuance of this Act.

Every owner of a work in which such facilities are not afforded to an inspector as are required by this Act, or in which an inspector is obstructed in the execution of his duty under this Act, and every person wilfully obstructing an inspector in the execution of his duty under this Act, shall be deemed guilty of an offence against this Act, and shall be liable to a fine not exceeding ten pounds.

Annual report to Local Government Board.

**18.** The chief inspector shall on or before the first day of March in every year make a report in writing to the Local Government Board of the proceedings of himself and of the other inspectors under this Act, who shall furnish him with a detailed account of the number of inspections of works in their districts, and the recorded escapes of acid gases from such works during the preceding year, and a copy of such report shall be laid before both Houses of Parliament.

Additional inspector on application of sanitary authorities.

**19.** If any sanitary authority or authorities apply to the central authority for an additional inspector under this Act, and undertake to pay a proportion of his salary or remuneration, not being less than one half, out of any rate or rates leviable by such authority or authorities (which undertaking such authority or authorities are hereby authorised to give and to carry into effect), the Local Government Board may (if they see fit) from time to time, with the sanction of the Commissioners of Her Majesty's Treasury, appoint an additional inspector under this Act, to reside within a convenient distance of the works he is required to inspect; and such inspector shall have the same powers and be subject to the same power of removal and the same regulations and liabilities as other inspectors under this Act.

The proportion of salary or remuneration aforesaid shall be paid at the prescribed time or times into Her Majesty's Exchequer, and in the case of failure on the part of any sanitary authority to pay any sum payable by them in pursuance of this section, the same may be recovered by action in any court of competent jurisdiction.

### (iii.) *Special Rules.*

Power of owners of

**20.** The owner of an alkali work or of a scheduled work may, with the sanction of the central authority, make, and when made,

works to make special rules.

alter add to and repeal special rules for the guidance of his workmen who are employed in any process causing the evolution of any noxious or offensive gas, or whose duty it is to attend to the apparatus used in the condensation of that gas, or for preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless and inoffensive when discharged, and may annex fines to any violation of such rules, so that the fine for any offence do not exceed two pounds.

A printed copy of the special rules in force under this section in any work shall be given by the owner of that work to every person working or employed in or about that work who is affected thereby.

Any fine incurred under this Act in respect of an offence against a special rule may be recovered summarily.

(iv.) *Procedure.*

Provision as to calculation of acid.

**21.** In calculating the proportion of acid to a cubic foot of air, smoke, or gases, for the purposes of this Act, such air, smoke, or gases shall be calculated at the temperature of sixty degrees of Fahrenheit's thermometer, and at a barometric pressure of thirty inches.

Recovery of fines for offences against Act in county court.

**22.** The following regulations are hereby enacted with respect to the recovery of fines for offences other than offences against a special rule:

Every such fine shall be recovered by action in the county court having jurisdiction in the district in which the offence is alleged to have been committed:

The action shall be brought, with the sanction of the central authority, by the chief inspector, or by such other inspector as the Local Government Board may in any particular case direct, within three months after the commission of the offence, and for the purposes of such action the fine shall be deemed to be a debt due to such inspector:

The plaintiff in any action for a fine under this Act shall be presumed to be an inspector authorised under this Act to bring the action, until the contrary is proved by the defendant:

The court may, on the application of either party, appoint a person to take down in writing the evidence of the witnesses, and may award to that person such remuneration as the court thinks just; and the amount so awarded shall be deemed to be costs in the action:

If either party in any action under this Act feels aggrieved by the decision of the court in point of law, or on the merits or in respect of the admission or rejection of any evidence, he may appeal from that decision to the High Court of Justice:

The appeal shall be in the form of a special case to be agreed on by both parties or their solicitors, and if they cannot agree, to be settled by the judge of the county court on the application of the parties or their solicitors:

The court of appeal may draw any inference from the facts stated in the case that a jury might draw from facts stated by witnesses,

Subject to the provisions of this section, all the enactments, rules, and orders relating to proceedings in actions in county courts, and to enforcing judgments in county courts, and appeals from decisions of the county court judges, and to the conditions of such appeals, and to the power of the High Court of Justice, or any division or judge thereof, on such appeals, shall apply to an action for a fine under this Act, and to an appeal from such action, in the same manner as if such action and appeal related to a matter within the ordinary jurisdiction of the court:

Within the city of London and the liberties thereof the sheriffs' court, established by a Local Act passed in the eleventh year of the reign of Her present Majesty, chapter seventy-one, intituled An Act for the more easy recovery of small debts and demands within the city of London and the liberties thereof, shall be deemed to be the county court for the purposes of this Act:

In Scotland the court of the sheriff or sheriff substitute of the county in which the offence is committed shall be the county court for the purposes of this Act, and may award costs to either party, and may sentence the offender to imprisonment for any period not exceeding six months, unless the fine and costs be previously paid; and any decision or sentence of such sheriff or sheriff substitute shall be subject to review and appeal according to law:

In Ireland such fines as are in this section mentioned may be recovered by civil bill, in the manner and with the appeal directed by an Act passed in the fourteenth and fifteenth years of Her present Majesty, chapter fifty-seven, or any Act or Acts amending the law relating to civil bills.

Further provisions as to recovery of fines in county court.

**23.** In any proceeding under this Act in relation to a fine for an offence other than an offence against a special rule—

(*a.*) It shall be sufficient to allege that any work is a work to which this Act applies, without more; and

(*b.*) It shall be sufficient to state the name of the registered or ostensible owner of the work, or the title of the firm by which the employer of persons in such work is usually known.

A person shall not be subject to a fine under this Act for more than one offence in respect of the same work or place in respect of any one day.

Not less than twenty-one days before the hearing of any proceeding against an owner to recover a fine under this Act for failing to secure the condensation of any gas to the satisfaction of the chief inspector, or for failing to use the best practicable means as required by this Act, an inspector shall serve on the owner proceeded against a notice in writing stating, as the case requires, either the facts on which such chief inspector founds his opinion, or the means which such owner has failed to use, and the means which, in the chief inspector's opinion, would suffice, and shall produce a copy of such notice before the court having cognisance of the matter.

A person shall not be liable under this Act to an increased fine in respect of a second offence, or in respect of a third or any subsequent offence, unless a fine has been recovered within the

preceding twelve months against such person for the first offence, or for the second or other offence, as the case may be.

Application of fines.

**24.** All fines recovered under this Act, except in respect of offences against a special rule, shall be paid into the receipt of Her Majesty's Exchequer.

Discharge of owner on conviction of actual offender.

**25.** The owner of a work in which an offence under this Act other than an offence against a special rule has been proved to have been committed shall in every case be deemed to have committed the offence, and shall be liable to pay the fine, unless he proves to the satisfaction of the court before which any proceeding is instituted to recover such fine, that he has used due diligence to comply with and to enforce the execution of this Act, and that the offence in question was committed by some agent servant or workman, whom he shall charge by name as the actual offender, without his knowledge consent or connivance; in which case such agent servant or workman shall be liable to pay the fine, and proceedings may be taken against him for the recovery thereof and of the costs of all proceedings which may be taken either against himself or against the owner under this Act:

Provided that it shall be lawful for the inspector to proceed in the first instance against the person whom he believes to be the actual offender, without first proceeding against the owner, in any case in which it is made to appear to the satisfaction of such inspector that the owner has used all due diligence to comply with and to enforce the execution of this Act, and that the offence has been committed by the person whom he may charge therewith without the knowledge consent or connivance of the owner, and in contravention of his orders.

Service of notices.

**26.** Any notice summons or other document under this Act, may be in writing or print, or partly in writing and partly in print.

Any notice summons or document required or authorised for the purposes of this Act to be delivered to or served on or sent to the owner of any work, may be served by delivering the same to the owner, or at his residence or works; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and the same shall be deemed to be properly addressed if addressed to the registered address of an owner, or, when required to be served on or sent to the owner, of any works, if addressed to the owner of the works at the works, with the addition of the proper postal address, but without naming the person who is the owner.

Complaint by sanitary authority in cases of nuisance.

**27.** Where it appears to any sanitary authority, on the written representation of any of their officers, or of any ten inhabitants of their district, that any work (either within or without the district) to which this Act applies is carried on in contravention of this Act, or that any alkali waste is deposited (either within or without the district) in contravention of this Act, and that a nuisance is occasioned by such contravention to any of the inhabitants of

their district, such authority may complain to the central authority, who shall make such inquiry into the matters complained of, and after the inquiry may direct such proceedings to be taken by an inspector as they think just.

The sanitary authority complaining shall, if so required by the central authority, pay the expense of any such inquiry, and may pay the same out of the fund or rate applicable to the general expenses of such authority.

The expression "sanitary authority" in this section includes as regards the Metropolis, except the City of London, any vestry or district board elected under the Metropolis Management Act, 1855, also any local board of health, not being an urban sanitary authority within the meaning of the Public Health Act, 1875, and as regards the City of London shall mean the Commissioners of Sewers of the said city.

18 & 19 Vict. c. 120.

38 & 39 Vict. c. 55.

**28.** Where a nuisance arising from any noxious or offensive gas or gases is wholly or partially caused by the acts or defaults of several persons, any person injured by such nuisance may proceed against any one or more of such persons, and may recover damages from each person made a defendant in proportion to the extent of the contribution of such defendant to the nuisance, notwithstanding that the act or default of such defendant would not separately have caused a nuisance. This section shall not apply to any defendant who can produce a certificate from the chief inspector that in the works of such defendant the requirements of this Act have been complied with and were complied with when the nuisance arose.

Actions in case of contributory nuisance.

### (v.) *Definitions; Repeal; Saving.*

**29.** In this Act, unless the context otherwise requires—

Interpretation of terms.

"Alkali work" means every work for the manufacture of alkali, sulphate of soda, or sulphate of potash, in which muriatic acid gas is evolved, and for the purpose of this definition the formation of any sulphate in the treatment of copper ores by common salt or other chlorides shall be deemed to be a manufacture of sulphate of soda.

"Noxious or offensive gas" does not include sulphurous acid arising from the combustion of coal.

"Owner" means the lessee, occupier, or any other person carrying on any work to which this Act applies.

"Prescribed" means prescribed from time to time by the Local Government Board, and "the Local Government Board" means the Local Government Board established by the Local Government Board Act, 1871.

34 & 35 Vict. c. 70.

"Central authority" means as regards England the said Local Government Board, as regards Ireland the Local Government Board for Ireland, and as regards Scotland one of Her Majesty's Principal Secretaries of State.

"Sanitary authority" means any local authority entrusted with the execution of the Public Health Act.

38 & 39 Vict. c. 55. 30 & 31 Vict. c. 101 41 & 42 Vict. c. 52.

"The Public Health Act" means, as regards England, the Public Health Act 1875; and as regards Scotland, the Public Health (Scotland) Act 1867; and as regards Ireland, the Public Health (Ireland) Act 1878.

"Person" includes a corporation.

Repeal of 26 & 27 Vict. c. 124., 31 & 32 Vict. c. 36., and 37 & 38 Vict. c. 43.

**30.** The following Acts, that is to say—

The Alkali Act 1863, (26 & 27 Vict. c. 124),

The Act to make perpetual the Alkali Act 1863, (31 & 32 Vict. c. 36), and

The Alkali Act 1874, (37 & 38 Vict. c. 43),

are hereby repealed without prejudice to anything done or suffered before the commencement of this Act, or to the recovery of any penalty incurred before or proceeding pending at the commencement of this Act; and any such penalty or proceeding may be recovered or continued as if this Act had not been passed.

Saving as to general law.

**31.** Nothing in this Act shall legalise any act or default that would, but for this Act, be deemed to be a nuisance, or otherwise be contrary to law, or deprive any person of any remedy by action indictment or otherwise, to which he would have been entitled if this Act had not passed.

## SCHEDULE.

*List of Works.*

(1.) Sulphuric acid works, that is to say, any works in which the manufacture of sulphuric acid is carried on (not being alkali works within the meaning of the foregoing Act, and not being works in which the manufacture of sulphuric acid is carried on in conjunction with the extraction of copper or other metals from ore);

(2.) Chemical manure works, that is to say, any works in which the manufacture of chemical manure is carried on;

(3.) Gas liquor works, that is to say, any works in which gas liquor is used in any manufacturing process;

(4.) Nitric acid works, that is to say, any works in which the manufacture of nitric acid is carried on;

(5.) Sulphate of ammonia works and muriate of ammonia works, that is to say, any works in which the manufacture of sulphate of ammonia or of muriate of ammonia is carried on; and

(6.) Chlorine works or works in which chlorine, bleaching powder, or bleaching liquor is made.

# CHAPTER 38.

## An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland; and for other purposes relating to Loans by those Commissioners.

[22nd August 1881.]

WHEREAS it is expedient to grant money for the purpose of loans by the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland:

And whereas it is expedient to authorise the remission of certain sums due in respect of loans granted by the said Commissioners:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the Public Works Loans Act, 1881. Short title.

## PART I.

*Grant of Money for Public Works Loan Commissioners.*

**2.** For the purpose of loans by the Public Works Loan Commissioners,— Grant of 4,000,000*l.* for Public Works loans during the period ending 30th June 1882. 38 & 39 Vict. c. 89. 42 & 43 Vict. c. 77.

(1.) Any sum or sums, not exceeding in the whole the sum of four million pounds, may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by the Public Works Loans Act, 1875, as amended by the Public Works Loans Act, 1879; and

(2.) The Commissioners for the Reduction of the National Debt may advance any part or parts of the total sum above in this section mentioned in reduction of the amount which may be so issued out of the Consolidated Fund;

and such sums may be issued and advanced during the period ending on the thirtieth day of June one thousand eight hundred and eighty-two, or on any earlier day at which a further Act granting money for the purpose of the said loans comes into operation.

The Treasury may, in the manner and subject to the limitations provided by the Public Works Loans Act, 1875, borrow the sum authorised by this section to be issued out of the Consolidated Fund, or any part of that sum. 38 & 39 Vict. c. 89.

## PART II.

*Grant of Money for Public Works Commissioners, Ireland.*

**3.** For the purpose of loans by the Commissioners of Public Works in Ireland,— Grant of 1,100,000*l.* for loan by Commissioners of Public Works in Ireland during the period ending 30th June 1882. 40 & 41 Vict. c. 27. 42 & 43 Vict. c. 77.

(1.) Any sum or sums, not exceeding in the whole one million one hundred thousand pounds, may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by Part Two of the Public Works Loans (Ireland) Act, 1877, as amended by the Public Works Loans Act, 1879; and

(2.) The Commissioners for the Reduction of the National Debt may advance any part or parts of the total sum above in this section mentioned in reduction of the amount which may be so issued out of the Consolidated Fund;

and such sums may be issued and advanced during the period ending on the thirtieth day of June one thousand eight hundred and eighty-two, or on any earlier day on which a further Act authorising the issue of money for those loans comes into operation.

The Treasury may, in the manner and subject to the limitations provided by Part Two of the Public Works Loans (Ireland) Act, 1877, borrow the sum authorised by this section to be issued out of the Consolidated Fund, or any part of that sum. 40 & 41 Vict. c. 27.

## PART III.

### *Remission, &c. of Loans.*

Remission of certain interest on loan to Tralee Harbour and Canal Commissioners.

**4.** Whereas the Public Works Loan Commissioners in the year 1832 advanced to the Tralee Harbour and Canal Commissioners, on the security of the harbour and ship canal at Tralee, and the tolls thereof, a sum of six thousand pounds, to be repaid with interest at the rate of five per cent. per annum:

And whereas on account of such loan there remained due in the month of March one thousand eight hundred and eighty the sum of five thousand four hundred pounds in respect of principal and eleven thousand and fifty-four pounds nineteen shillings and twopence in respect of arrears of interest, and the net receipts from the said harbour and canal and tolls were insufficient to keep down the interest:

And whereas it was then proposed to make improvements in the harbour at Tralee and to make a railway to such harbour, and thereupon it was arranged by the divers persons interested, with the Public Works Loan Commissioners, and the Treasury, subject to the sanction of Parliament, that the Public Works Loan Commissioners should sell the said canal to the Tralee and Fenit Railway Company for the sum of eight thousand pounds whereof the sum of five thousand four hundred pounds should be forthwith paid to the Exchequer, and that there should be charged as a first charge upon the said canal and the proposed railway the remaining sum of two thousand six hundred pounds, with interest at five per cent. per annum, and that the residue of the said arrears of interest should be remitted:

And whereas in pursuance of the said arrangement the said sum of five thousand four hundred pounds was paid to the Exchequer:

43 & 44 Vict. c. lxxxv.

And whereas by the Pier and Harbour Orders Confirmation Act, 1880, provision was made for the said improvements in Tralee Harbour, and by an Act of the session of the forty-third and forty-fourth years of the reign of Her present Majesty, chapter one hundred and seventy-nine, intituled "An Act for making a railway from "Tralee to Fenit, in the county of Kerry, and for other purposes," the sum of two thousand six hundred pounds with interest at the rate of five per cent. per annum was charged upon the railway and canal therein mentioned in favour of the Public Works Loan Commissioners:

And whereas it is expedient to carry into effect the residue of the said agreement by authorising the Public Works Loan Commissioners to remit the residue of the said arrears of interest, be it therefore enacted that—

The Public Works Loan Commissioners may remit the arrears of interest amounting to the sum of eight thousand four hundred and fifty-four pounds nineteen shillings and twopence due in respect of the above-mentioned loan, and the amount so remitted shall be deemed to be a free grant by Parliament.

Remission of sum expended on the Monivea drainage works. 29 & 30 Vict. c. 49.

**5.** Whereas in pursuance of the Drainage Maintenance Act, 1866, the Commissioners of Public Works in Ireland were called upon by certain proprietors in the Monivea drainage district, in the county of Galway, to put the works of that district, which had

been neglected by the trustees, in repair, and executed the necessary works, but on the completion thereof it was found that a portion of the works so executed, namely, the underpinning of Chapel Field bridge and a certain work of excavation in connexion therewith, were not works of repair and maintenance, but were new works, and that therefore the sum of one hundred and fifty-five pounds expended on that portion of the works was not properly chargeable on the proprietors or owners of the land within the said drainage district:

And whereas it is expedient to authorise the remission of any claim by the Commissioners of Public Works for the repayment of the same sum, be it therefore enacted that—

The Commissioners of Public Works in Ireland, with the approval of the Treasury, may remit the said sum of one hundred and fifty-five pounds, and the sum so remitted shall be deemed to be a free grant by Parliament.

Provision as to loan to Wicklow Harbour Commissioners.

**6.** Whereas the Public Works Loan Commissioners advanced to the Wicklow Harbour Commissioners, on the security of Wicklow harbour and the revenue thereof, a loan of six thousand pounds, by two instalments of three thousand pounds each, on the twenty-seventh day of January one thousand eight hundred and seventy and the eighteenth day of March one thousand eight hundred and seventy-one respectively, and such loan was made repayable by eighteen annual instalments, commencing at the end of the third year from the date of the security, with interest at the rate of five per centum per annum on the principal from time to time remaining unpaid:

And whereas, on the advance of the said loan, the Town Commissioners of Wicklow consented that the said loan and the security for the same should have priority over a mortgage of Wicklow harbour and the revenue thereof to the said Town Commissioners to secure twelve thousand pounds:

And whereas, in consequence of the revenue of Wicklow harbour having been sufficient only for the annual expenses, no part of the principal of the said loan has been repaid to the Public Works Loan Commissioners, and no interest has been paid thereon since the month of March one thousand eight hundred and seventy-two an account of interest accrued due on the thirteenth day of February one thousand eight hundred and seventy-two, and the arrears of interest amount to upwards of two thousand eight hundred pounds:

And whereas an application has been made to the Commissioners of Public Works in Ireland to advance to the Wicklow Harbour Commissioners, for the purpose of improving and extending the harbour, under a baronial guarantee of certain baronies, a loan of forty thousand pounds, to be repayable in fifty annual instalments, with interest at the rate of four and a quarter per centum per annum, and to be a first charge on the revenue of Wicklow harbour:

And whereas, with a view to enable the Commissioners of Public Works to grant the said application, it is expedient to make such provision as herein-after appears with respect to the said loan, and arrears of interest thereon, due to the Public Works Loan Commissioners:

Be it therefore enacted as follows:—

The Commissioners of Public Works in Ireland, out of moneys in their hands for the purpose of loans, may pay to the Public Works Loan Commissioners the principal and interest due to those Commissioners in respect of the above-recited loan of six thousand pounds to the Wicklow Harbour Commissioners, and upon such payment the Public Works Loan Commissioners shall transfer the loan and arrears of interest thereon, and the securities for the same, to the Commissioners of Public Works in Ireland.

The Commissioners of Public Works in Ireland, in the event of their advancing, in accordance with the above-recited or any other application, any loan to the Wicklow Harbour Commissioners on a baronial guarantee, whether given before or after the passing of this Act, may, if the Town Commissioners of Wicklow consent to the postponement of their mortgage for twelve thousand pounds to such loan, make such loan a first charge on Wicklow harbour and the revenue thereof in priority to the principal and interest of the loan transferred in pursuance of this section They may also convert the principal of the loan so transferred and the arrears of interest thereon due up to the date of the conversion into a consolidated debt to be repaid by a terminable annuity of such an amount as will repay the same within a period not exceeding twenty-eight years from the date of the conversion, if the rate of interest is taken at four per centum per annum; and so far as they have no further security for the consolidated debt and terminable annuity, the security given for the payment of the principal and interest of the loan shall be a security for the payment of such debt and annuity.

*Amendment of Acts.*

Amendment of 38 & 39 Vict. c. 89. s. 22. as to rate of interest for loan.

**7.** Where the Public Works Loan Commissioners have, either before or after the passing of this Act, in pursuance of the Public Works Loans Act, 1875, or of any enactment repealed by that Act, taken possession of any mortgaged property, and after the passing of this Act advance any sum for the completion, repair, improvement, or security of that property, the rate of interest on such sum shall, notwithstanding anything in section twenty-two of the Public Works Loans Act, 1875, or any like enactment repealed by that Act, be not less than five per cent. per annum.

Expenses of ascertaining (under 38 & 39 Vict. c. 89. s. 36.) that loans advanced by the Public Works Loan Commissioners have been properly applied.

**8.** The Local Government Board may make orders as to the expenses incurred by them or by any officer appointed by them in making or conducting any examination in pursuance of section thirty-six of the Public Works Loans Act, 1875, for the purpose of ascertaining that any loan or part of a loan advanced by the Public Works Loan Commissioners either before or after the passing of this Act, on the security of a rate, has been applied to the purpose for which the same was advanced.

Any such order may contain directions as to the parties by whom, and the rates out of which such expenses shall be borne, and on the application of the Local Government Board may be made a

rule of the High Court of Justice in England, or of the High Court of Session in either division of the Inner House thereof in Scotland.

Application of surplus balances of loans made by the Public Works Loan Commissioners.

**9.** The unapplied balance of any loan advanced by the Public Works Loan Commissioners, either before or after the passing of this Act, on the security of a rate, may, with the consent of the said Commissioners, and of the central authority or department, if any, with whose sanction or consent such loan was authorised to be raised, be applied to any purpose to which moneys borrowed on the security of such rate are properly applicable; and in construing section thirty-six of the Public Works Loans Act, 1875, and section four of the Public Works Loans Act, 1878, the purpose to which any such unapplied balance as aforesaid is so applied, shall be deemed to be the purpose for which that portion of the loan was advanced.

41 Vict. c. 18.

Loan of 20,000*l.* for erecting a lighthouse on Minicoy Island.

**10.** Whereas by the Merchant Shipping Amendment Act, 1855, provision is made for the levying and recovery of dues to be paid by any ship which passes or derives benefit from a lighthouse erected on or near the coast of any British possession, and the Public Works Loan Commissioners are authorised to advance loans for the purpose of constructing such lighthouse:

18 & 19 Vict. c. 91.

And whereas by the Basses Lights Act, 1869, and the Basses Lights Act, 1872, the Public Works Loan Commissioners were directed to advance sums not exceeding in the whole one hundred and forty-five thousand pounds, repayable in fifty years as therein mentioned, for the purpose of constructing the Great Basses Lighthouse and the Little Basses Lighthouse, and the dues levied in respect of that lighthouse are declared to form one fund (in this section referred to as the Basses Lights fund), to be applied for the purpose of paying the expenses incurred in erecting and maintaining such lighthouses, and for no other purpose whatever, and the priority of the charges on such fund is declared by section six of the Basses Lights Act, 1872:

32 & 33 Vict. c. 77.
35 & 36 Vict. c. 55.

And whereas sums amounting in the whole to one hundred and twenty thousand pounds have been advanced in pursuance of the said Acts, of which thirteen thousand pounds have been repaid, and the annual receipts of the Basses Lights fund during the year ending on the thirty-first day of March one thousand eight hundred and eighty exceeded the annual charges thereon by upwards of three thousand two hundred pounds:

And whereas it is expedient to provide for the remainder of the loan authorised by the said Acts being applied towards the erection of a lighthouse on the Island of Minicoy between the Maldive and Laccadive Islands: Be it therefore enacted as follows:

(1.) The existing power of the Public Works Loan Commissioners to advance a further loan of twenty-five thousand pounds under the Basses Lights Act, 1872, shall cease:

(2.) In the event of provision being made by Order in Council and otherwise for the levy of dues in respect of any lighthouse to be erected on the said Island of Minicoy, the Public Works Loan Commissioners may, in lieu of the loan before in this section declared to cease, and in pursuance of the Merchant Shipping Act, 1854, and the Merchant Shipping Amendment

17 & 18 Vict. c. 104.

Act 1855, advance for the purpose of constructing such Minicoy Lighthouse any sum or sums not exceeding in the whole twenty thousand pounds, which shall be repayable as to each portion thereof within a period not exceeding fifty years from the date of the advance of such portion, and shall bear interest at the rate of four and a quarter per centum per annum:

(3.) The sums advanced in pursuance of this section shall be advanced in accordance with the Public Works Loans Act, 1875, and be secured on the Basses Lights fund:

(4.) So long as any money is due to the Public Works Loan Commissioners on account of any loan under this section the dues payable in respect of the Great Basses Lighthouse and the Little Basses Lighthouse or the Minicoy Lighthouse shall be altered only with the consent of the Commissioners of Her Majesty's Treasury:

(5.) The dues received in respect of the Minicoy Lighthouse shall be carried to and form part of the Basses Light funds, and section six of the Basses Lights Act, 1872, shall be construed as if the Minicoy Lighthouse were one of the lighthouses therein mentioned, and the expense of maintaining the Minicoy Lighthouse shall be defrayed accordingly, and the principal and interest of any loan under this section shall be charged on the said fund next after the sums charged thereon by the said section six.

Explanation of Acts as to loans for houses for labouring classes in Ireland. 39 & 30 Vict. c. 28. 29 & 30 Vict. c. 44.

**11.** Whereas by the Labouring Classes Dwelling Houses Act, 1866, and the Labouring Classes Lodging Houses and Dwellings (Ireland) Act, 1866, the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland respectively, are authorised to lend to the public bodies, companies, societies, associations, and persons therein mentioned loans for the purchase of lands or buildings, and the erection, alteration, and adaptation of buildings to be used as dwellings for the labouring classes:

And whereas it is expedient to remove certain doubts which have arisen with respect to such loans: Be it therefore enacted as follows:

Any company, society, or association established for the purpose of constructing or improving dwellings for the labouring classes shall be deemed to be and always to have been a company, society, or association to which a loan may be made in pursuance of the Labouring Classes Dwelling Houses Act, 1866, and the Labouring Classes Lodging Houses and Dwellings (Ireland) Act, 1866, and any loan heretofore made to any such company, society, or association shall be deemed to have been validly made, and the security given for the same shall be valid and effectual to all intents.

The period and rate of interest of any loan made in pursuance of either of the above-mentioned Acts may be such as is mentioned either in the Act or in section six of the Public Works Loans Act, 1879, with respect to the like loans by the Public Works Loans Commissioners, and the said section six shall be deemed to have been and this section shall be deemed to be in addition to and not in derogation of the powers under the above-mentioned Acts.

Explanation of Acts relating

**12.** Whereas under the provisions of divers Acts of Parliament authorising the Commissioners of Public Works in Ireland to make

loans for public and other purposes, it is provided that the repayment of the loans thereunder shall be completed, and the first instalment of such repayment made within the periods respectively therein mentioned from the date of the advance, or from the time when the first advance is made, and doubts have arisen with respect to the construction of such provisions in the case where a loan is advanced by instalments, and it is expedient to remove such doubts; Be it therefore enacted as follows:

to Commissioners of Public Works in Ireland as to date of advance.

The period of years mentioned in any of the recited Acts as the period within which advances made thereunder by the Commissioners of Public Works are to be repaid shall, as regards each instalment of any loan advanced by the said Commissioners, either before or after the passing of this Act, be reckoned from the date of the advance of the instalment by the Commissioners.

Removal of doubt as to construction of 43 & 44 Vict. c. ccvi. respecting Mulkear drainage district board.

**13.** Whereas by the Mulkear Drainage District Act, 1880, the Commissioners of Public Works in Ireland were authorised to advance to the Mulkear drainage district board such sum as they might think proper, not exceeding the sum of one thousand pounds, to be applied for the purpose of discharging and paying a certain judgment debt recovered in an action therein mentioned, and the costs; and whereas doubts have arisen as to whether the costs include costs incurred by the board as well as the costs due to the judgment creditor; and it is expedient to remove such doubts, be it therefore enacted that—

The costs referred to in the said Act shall be deemed to include all costs properly incurred by the said drainage board in or incidental to the said action, as well as the costs due to the judgment creditor.

Confirmation of loans mentioned in 43 Vict. c. 4.

**14.** Whereas by the ninth section of the Relief of Distress (Ireland) Act, 1880, certain loans made to owners of land by the Commissioners of Public Works in Ireland in accordance with the public notices specified in that section were ratified and confirmed; but such ratification and confirmation does not apply to any loan of which a second instalment was not paid by the Commissioners of Public Works before the thirty-first day of July one thousand eight hundred and eighty; and it is expedient now to confirm such last-mentioned loans in cases in which the non-payment of the second instalment before the said date was caused by unavoidable oversight on the part of the said Commissioners at a time of unusual pressure on their offices;

Therefore, where a loan has been made by the Commissioners of Public Works to an owner of land under the public notices mentioned in section nine of the Relief of Distress (Ireland) Act, 1880, and a second instalment of such loan though not paid by the Commissioners of Public Works before the thirty-first day of July one thousand eight hundred and eighty, was paid by them, with the sanction of the Treasury, before the thirtieth day of April one thousand eight hundred and eighty-one, and the Commissioners of Public Works certify to the Treasury that the above-mentioned non-payment of the second instalment before the thirty-first day of July was caused without any delay or default on the part of the borrower, that loan is hereby ratified and confirmed; and all the provisions of the said Relief of Distress (Ireland) Act, 1880, and of any Act amending the same, relative to loans made to owners of

land under the said public notices, shall apply to such loan as if the second instalment thereof had been paid before the said thirty-first day of July one thousand eight hundred and eighty.

## PART IV.

### *Grant of Money for Irish Land Commission.*

Grant of 1,400,000*l.* to Land Commission.

**15.** For the purpose of advances or of purchases of estates by the Land Commission in Ireland under any Act passed during the present session amending the law relating to the occupation and ownership of land in Ireland, any sum or sums not exceeding in the whole the sum of one million four hundred thousand pounds may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by the said Act, and such sums may be issued during the period ending on the thirtieth day of June one thousand eight hundred and eighty-two, or on any earlier day on which a further Act providing money for the purpose of such advances or purchases comes into operation.

The Treasury may, in the manner and subject to the limitations provided by the said Act, borrow the sum authorised by this section to be issued out of the Consolidated Fund, or any part of that sum.

# CHAPTER 39.

## An Act to provide for uniform Terms of entry to and removal from Houses within Burghs in Scotland.

[22nd August 1881.]

WHEREAS in many burghs in Scotland a custom exists whereby for the purpose of tenants entry to or removal from houses, a period beyond the date as fixed by law of the term of entry or removal is allowed, within which such entry or removal may take place:

And whereas the period so allowed is not uniform, but varies according to the usage of the particular burgh:

And whereas such want of uniformity is productive of great inconvenience, and it is expedient that uniform terms for such entry and removal should be provided:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and extent of Act.

**1.** This Act may be cited as the Removal Terms (Burghs) (Scotland) Act, 1881, and shall extend to Scotland only.

Definition of terms.

**2.** In this Act the expression "houses" shall mean and include dwelling-houses, shops, and other buildings and their appurtenances, excepting such dwelling-houses or buildings as shall be let along with land for agricultural purposes; the expression "burgh" shall mean and include royal burghs, parliamentary burghs, or any populous place, the boundaries whereof have been fixed and ascertained under the provisions of the General Police and Improvement (Scotland) Act, 1862, or of the Act first therein recited; the

25 & 26 Vict. c. 101.

expression "lease" shall include "tack" and "set," and shall apply to any lease, tack, or set whether constituted by writing or verbally, or by tacit relocation and of whatever duration; and the expression "tenant" shall mean a tenant under any lease as defined by this Act.

Terms of entry to and removal from houses fixed.

**3.** Where under any lease entered into after the passing of this Act the term for the tenant's entry to or removal from houses within the limits of any burgh shall be one or other of the terms of Whitsunday and Martinmas (whether old or new style), the term for such entry or removal shall, in the absence of express stipulation to the contrary, be held to be at noon of one or other of the following days, to wit, the twenty-eighth day of May if the term be Whitsunday, and the twenty-eighth day of November if the term be Martinmas: Provided always, that when any of these days shall fall upon a Sunday or legal holiday, the term of entry or removal shall be at noon of the first lawful day thereafter.

Period of notice of removal.

**4.** In cases where houses within any burgh are let for any period not exceeding four calendar months, notice of removal therefrom, shall, in the absence of express stipulation, be given as many days before the date of ish as shall be equivalent to at least one-third of the full period of endurance of the lease.

How notice of removal may be given.

**5.** Notice of removal from any houses within a burgh may hereafter be sufficiently given by registered letter, signed by the party entitled to give such notice or by the law agent or factor of such party, handed into any Post Office within the United Kingdom in time to admit of its being delivered at the address thereon, on or prior to the last date upon which by law such notice of removal must be given, addressed to the party entitled to receive such notice, and bearing the particular address of such party at the time if the same be known, or, if the same be not known, then the last known address of such party.

## CHAPTER 40.

An Act to make farther provision in regard to the Registration of Parliamentary Voters, and also in regard to the taking of the Poll by means of Voting Papers, in the Universities of Scotland. [22nd August 1881.]

WHEREAS it is expedient to amend the law relating to the manner of voting at the election of members of Parliament for the Universities of Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act shall be cited for all purposes as the Universities Elections Amendment (Scotland) Act, 1881.

Amendment of 31 & 32 Vict. c. 48. ss. 38, 39.

**2.** So many of the regulations with respect to the polling at the elections for the Universities directed to be observed by sections 38 and 39 of the Representation of the People (Scotland) Act, 1868, as are inconsistent with this Act, are hereby repealed, and in place

thereof it is enacted that the following regulations shall be deemed and taken to be a part of the 38th and 39th sections of the said recited Act, and the recited Act shall, on and after the passing of this Act, be read and construed as if the 38th and 39th sections had included the following terms and provisions:—

Duration of the poll.

1 If more than one candidate shall be proposed, and a poll shall be demanded, the proceedings shall be adjourned for the purpose of taking the poll for not less than twelve or more than twenty clear days, exclusive of Saturdays and Sundays. On the day to which the proceedings have been adjourned as aforesaid for the purpose of taking the poll, the polling shall commence at each University by opening the voting papers, as herein-after provided, at eight o'clock in the morning, and shall continue for such period, not being less than four or more than six days (exclusive of Sundays), as the returning officer shall determine and announce in the public intimation of the adjournment for the purpose of taking the poll, but no poll shall be kept open later than four o'clock in the afternoon.

Electors to vote by voting papers only.

2 In case of a poll at an election, the votes shall be given by means of voting papers, and no voter shall be allowed to vote in person, or in any other way than is provided by this Act. Each voting paper shall be in the form or to the effect set forth in the Schedule (A.) annexed to this Act. Each voting paper shall have a number printed or written on the back thereof, and shall have attached a counterfoil with the same number printed or written on the face. Before a voting paper is issued to a voter as herein-after provided, it shall be marked with an official mark, either stamped or perforated, and the number of such voter, as stated on the register of voters, shall be marked on the counterfoil, and a mark shall be placed in the register or any copy thereof used for the purposes of the election against the number of the voter to denote that a voting paper has been issued to him.

Registrar of University to issue voting papers and letters of intimation.

3. In case of a poll the registrar of the University, as soon as he conveniently can after the day of demand for a poll, and not later than six clear days thereafter (exclusive of Sundays), shall issue simultaneously through the post a voting paper, in the form or to the effect set forth in Schedule (A.) annexed to this Act, to each voter to his address as entered on the register of the general council of the University, who shall appear from said address to be resident within the United Kingdom or the Channel Islands; and such voting paper (the Christian name, surname, designation, and residence of the voter as appearing on the register having previously been filled in by the registrar, or some one having his authority), contained in an envelope marked on the outside as sent by the registrar of the University, shall be accompanied by a letter of intimation in the form or to the effect set forth in Schedule (B.) hereunto annexed, and by a stamped envelope addressed to the registrar, for the return of the said voting paper; and each voter, upon

receipt of his voting paper, if he desires to vote in the election, shall insert in the voting paper the name of the candidate for whom he votes, and the place and date of signature, and affix his subscription thereto, in the presence of one witness, who shall personally know the voter, and who shall attest the fact of such voting paper having been signed by the voter in his presence at the place therein mentioned, by signing his name at the foot thereof, and adding his designation and place of residence in the form or to the effect set forth in Schedule (A.) hereto annexed.

Return of voting paper.

4. Thereafter the voting paper, so signed and attested as aforesaid, shall, if the voter desires to vote in the election, be returned through the post to the registrar of the University by whom it was issued, so as to reach him not later than the time named for the return of the voting paper. Each voting paper, when received back by the registrar, shall be kept by him unopened in a fireproof safe, or other place of safety, until the poll begins.

Incapacitated voter.

5. If a voter, before or after he has received a voting paper, shall intimate or cause to be intimated in writing to the registrar that he is incapacitated from blindness or other physical cause to vote in the manner prescribed by this Act, it shall be lawful for the registrar, on getting back the voting paper from the voter, if such has been issued, to issue to the voter so incapacitated a voting paper in the form or to the effect set forth in Schedule (C.) hereunto annexed; and on said voting paper being received by the voter, it shall be competent for him to record his vote by the hand of a justice of the peace in the manner therein directed; and the said justice of peace shall certify and attest the fact of his having been requested and authorised by the voter to sign said voting paper for him, and of its having been so signed by him in presence of the voter by signing an attestation in the form or to the effect of Schedule (C.) hereunto annexed; and such voting paper, when received by the registrar, shall have the same effect and be similarly dealt with as a voting paper signed by a voter in the form or to the effect set forth in Schedule (A.) hereunto annexed.

New voting paper.

6. A voter who has not received a voting paper sent by post as aforesaid to his address as appearing on the register, or who has before re-delivery thereof to the registrar, inadvertently spoilt his voting paper in such manner that it cannot be conveniently used as a voting paper, or who has lost his voting paper, may, on his transmitting to the registrar a declaration signed by himself before a justice of the peace setting forth the fact of the non-receipt, the inadvertent spoiling, or the loss of the voting paper, require the registrar to send him a new voting paper in place of the one not received, or spoilt, or lost; and in case the voting paper has been spoilt, the spoilt voting paper shall be returned to the registrar, and when received by him shall be immediately cancelled, and in every case where a new voting paper is issued a mark shall be placed opposite the number of the

voter's name on the register, to denote that a new voting paper has been issued in place of the one not received, or spoilt, or lost.

Application for voting paper.

7. A voter who does not appear from his address as entered on the register to be resident within the United Kingdom or the Channel Islands, may apply in writing to the registrar to send a voting paper to him to an address within the United Kingdom or the Channel Islands.

Registrar to transmit new voting paper.

8. The registrar, upon receiving an application in terms of either of the two preceding sub-sections at any time before the day on which the poll begins, shall forthwith transmit a new voting paper, or a voting paper, as the case may be, to the address as appearing on the register, or to the address within the United Kingdom or Channel Islands, as the case may be: Provided always, that no person shall be entitled to vote at any election by more than one voting paper, and that no voting paper containing the names of more candidates than the voter is entitled to vote for at such election shall be received or counted: Provided also, that the registrar shall open all letters coming addressed to him from the Dead Letter Office after the date of his issuing the voting papers, in order to ascertain and make public the names and addresses of the voters whose voting papers have not reached them, which he shall do by exhibiting publicly at his office in the University as they reach him a list of the names and addresses of the voters whose letters have been returned to him from the Dead Letter Office, for the information of all concerned. No voting paper shall be counted which does not reach the registrar before ten of the clock on the morning of the day on which the poll closes.

Polling of votes.

9. When the poll begins, the voting papers shall be opened and examined by the registrar in the presence of the vice-chancellor or his pro-vice-chancellors and the candidates, or the agents, if any, of the candidates, and the voting papers found to be marked with the official mark and the number on the back as appearing on the counterfoil, and otherwise regular, shall be counted and put apart until the end of the poll. Any voting paper which has not the official mark and the number on the back as appearing on the counterfoil, or which is in the opinion of the vice-chancellor or his pro-vice-chancellor otherwise wanting in any of the essential conditions required by this Act, shall not be counted as a vote in the election, but shall be sealed up in a paper apart, marked on the back thereof with the words "voting papers received but rejected," and initialed by the vice-chancellor or a pro-vice-chancellor.

Voting papers may be objected to by any candidate or agent in attendance.

10. It shall be lawful for any candidate, or the agents of the candidates who may be in attendance, to inspect any voting paper before the same shall be counted, and to object to it on one or more of the following grounds:

1. That the voter named in the voting paper has already voted at that election:

2. That the person giving a vote by the voting paper is not qualified to vote:
3. That the voting paper is forged or falsified:
4. That the voting paper is wanting in any of the essential conditions required by this Act:

and the vice-chancellor, or one of his pro-vice-chancellors, shall have power to reject or receive, or receive and record as objected to, any voting papers: Provided, that in case the objection offered to any voting paper shall be that it is forged or falsified, such vice-chancellor or pro-vice-chancellor shall receive and count such voting paper, having previously written upon it, "objected to as forged," or, "objected to as falsified," together with the name of the person making such objection.

Transmission of certificate of votes and declaration of the poll.

11. After the close of the poll the papers which shall have been counted shall be sealed up in a paper marked on the back thereof with the words "papers received and counted," and initialed by the vice-chancellors or pro-vice-chancellors of the respective Universities, and the vice-chancellors of the Universities of St. Andrews and Aberdeen shall immediately transmit to the respective returning officers a certificate in the form or to the effect set forth in Schedule (D.) hereunto annexed, subscribed by them respectively in presence of the candidates or their agents or of any three members of the general council of the respective Universities, and each of these returning officers shall, as soon as he conveniently can, in presence of the candidates, or of the agents, if any, of the candidates who may be in attendance, cast up the votes for the two Universities for which he is returning officer, and declare to be elected the candidate for whom the majority of votes has been given.

In an equality of votes returning officer may vote.

12. Where an equality of votes is found to exist between any candidates at an election for the Universities, and where the addition of a vote would entitle any one of such candidates to be declared elected, the returning officer, if a member of the general council of either of the Universities for which the election is being held, may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is returning officer.

Voting papers to be filed.

13. All voting papers received and counted at such election, and the counterfoils thereof, as well as any voting papers rejected for informality, or on any other ground, and the counterfoils thereof, shall be filed, and, along with any copy of the register used for the purposes of said election, shall be kept by the registrar or other officer entrusted with the care of the documents relating to the election; and any person shall be allowed to examine such voting papers, register, and other documents, at all reasonable times, on payment of a fee of one shilling, and to take copies thereof on payment of one shilling for each hundred voting papers or names in the register so copied.

Penalty for falsely signing voting papers.

14. Any person falsely or fraudulently signing any voting paper in the name of any other person, either as a voter or as a

witness, and every person signing, certifying, attesting, or transmitting as genuine any false or falsified voting paper, knowing the same to be false or falsified, or with fraudulent intent altering, defacing, destroying, withholding, or abstracting any voting paper, shall be guilty of a crime and offence, and shall be punishable by fine or imprisonment for a term not exceeding one year.

Voting papers not liable to stamp duty.

15. No such voting paper as herein-before mentioned shall be liable to any stamp duty.

Every graduate to become a member of general council, and certain ex-officio members of council to continue members.

16. On and after the passing of this Act, no person shall be allowed after examination to graduate at any of the Universities of Scotland until he shall have paid, as a registration fee, a sum not exceeding twenty shillings to the general University fund of the University at which he wishes to graduate, the amount and period of payment of such fee to be fixed from time to time by the University court of the said University, and thereafter the name, designation, qualification, and ordinary place of residence of each person qualified as at present to become a member of the general council of his University shall, on his graduation, be entered by the registrar in the registration book, made up in terms of the twenty-ninth section of the Representation of the People (Scotland) Act, 1868, in order to their being transferred to the register of members of the general council at the next revisal of the same, in terms of the thirty-fifth section of the last-mentioned Act; and every person who has hitherto been or who shall in the future become ex-officio a member of the general council of any of the Universities, owing either to his having been a professor in or having held office as member of a University court in any University, shall, on payment of a registration fee as aforesaid, be put and continued on the register of members of general council of said University during his life, and shall be entitled to all the privileges of a member of council: Provided always, that no person subject to any legal incapacity shall be entitled to vote at any parliamentary election or exercise any other privilege as a member of the general council of any University.

31 & 32 Vict. c. 48.

Corrupt payment of registration fee to be punishable as bribery.

17. Any person either directly or indirectly corruptly paying any fee for the purpose of enabling any person to be registered as a member of the general council, and thereby to influence his vote at any future election, and any candidate or other person either directly or indirectly paying such fee on behalf of any person for the purpose of inducing him to vote or to refrain from voting, shall be guilty of bribery, and shall be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery, and punishable accordingly.

Polling expenses.

18. The candidates shall be bound to pay and contribute among them the expenses necessarily incurred by the registrars in preparing and issuing the voting papers and in taking the poll, together with a reasonable remuneration for their trouble

in reference thereto, as the same shall be determined by the returning officer.

19. All statutes, customs, ordinances, and enactments inconsistent with this Act are hereby repealed. Repeal of Acts inconsistent herewith.

# SCHEDULES.

## SCHEDULE (A.)

PARLIAMENTARY ELECTION, 18

UNIVERSITY OF (*name of University*) VOTING PAPER.

No. (*number of voter as on the register*).

I, *A.B.* (*the Christian name, surname, and designation of the voter*), entered on the register as residing at (*residence as appearing on the register*), hereby declare that I have not before voted at this election, and hereby give my vote at this election for

Witness my hand at this day of , 18 .

(Signed) *A.B.*

Signed by *A.B.*, who is personally known to me, at the place and of the date above mentioned in my presence.

(Signed) *C.D.*

(*Add designation and place of residence.*)

## SCHEDULE (B.)

PARLIAMENTARY ELECTION, 18 .

UNIVERSITY OF (*name of University*).

REGISTRAR'S LETTER.

No. (*number of voter as on the register*).

| Persons nominated. | Proposed by | Seconded by |
|---|---|---|
| *A.B.*<br>*C.D.* | *Name of Proposer.*<br>*Do.* | *Name of Seconder.*<br>*Do.* |

SIR,

I HAVE to intimate that the above-named persons have been nominated for the office of member of Parliament. Along with this letter you will receive a voting paper, and, should you desire to vote at this election, I have to request that you will insert in the blanks of the voting paper the name of the person for whom you vote and the place and date of your signing, and having signed your name thereto in presence of one witness, who will also sign his name as directed, you will return the voting paper by post to me at the University of , so as to reach me on or before 10 a.m. of (*insert the day on which the poll finally closes*).

I am, &c.

(Signed) *G.H., Registrar.*

(*Date.*)

## SCHEDULE (C.)

PARLIAMENTARY ELECTION, 18 .

UNIVERSITY OF (*name of University*) VOTING PAPER.

INCAPACITATED VOTER.

No. (*number of voter as on the register*).

I, *A.B.* (*the Christian name and surname of the voter in full, and his designation and residence, to be filled in by the registrar or some one authorised by him*), hereby declare that I have not before voted at this election, and hereby give my vote for , and have requested and authorised *C.D.*, a justice of peace, to fill in the name of the candidate voted for, and subscribe this voting paper for me, as I am from (*state the incapacity*) unable to write.

I, *C.D.*, a justice of peace for , and residing at hereby declare that *A.B.*, before named, being personally known to me, did in my presence make the declaration before mentioned, and did duly request and authorise me to fill in the name of as the candidate voted for at this election, and to subscribe this voting paper for him, which I did on day of 18 .

(Signed) *C.D.*, a justice of peace for and residing at

## SCHEDULE (D.)

PARLIAMENTARY ELECTION, 18 .

UNIVERSITY OF (*name of University*).

I, *A.B.*, Vice-Chancellor of the said University, hereby declare that the voting papers in this election have been duly counted, and that the following is the result:

| | Number. |
|---|---|
| Voting papers in favour of | |
| Voting papers in favour of | |

(*In accordance with the number of candidates voted for.*)

Certified by me and signed by me at on at o'clock afternoon.

(Signed) *A.B.*, Vice-Chancellor of University.

(Addressed)
To the Returning Officer of the Universities of and

In presence of } (*This must be signed in presence of the candidates or their agents, or three members of the general council of the University, who must also subscribe.*)

# CHAPTER 41.

An Act for simplifying and improving the practice of Conveyancing; and for vesting in Trustees, Mortgagees, and others various powers commonly conferred by provisions inserted in Settlements, Mortgages, Wills, and other Instruments; and for amending in various particulars the Law of Property; and for other purposes.

[22nd August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

## I.—PRELIMINARY.



Short title; commencement; extent.

**1.**—(1.) This Act may be cited as the Conveyancing and Law of Property Act, 1881.

(2.) This Act shall commence and take effect from and immediately after the thirty-first day of December one thousand eight hundred and eighty-one.

(3.) This Act does not extend to Scotland.

Interpretation of property, land, &c.

**2.** In this Act—

(i.) Property, unless a contrary intention appears, includes real and personal property, and any estate or interest in any property, real or personal, and any debt, and any thing in action, and any other right or interest:

(ii.) Land, unless a contrary intention appears, includes land of any tenure, and tenements and hereditaments, corporeal or incorporeal, and houses and other buildings, also an undivided share in land:

(iii.) In relation to land, income includes rents and profits, and possession includes receipt of income:

(iv.) Manor includes lordship, and reputed manor or lordship:

(v.) Conveyance, unless a contrary intention appears, includes assignment, appointment, lease, settlement, and other assurance, and covenant to surrender, made by deed, on a sale, mortgage, demise, or settlement of any property, or on any other dealing with or for any property; and convey, unless a contrary intention appears, has a meaning corresponding with that of conveyance:

(vi.) Mortgage includes any charge on any property for securing money or money's worth; and mortgage money means money, or money's worth, secured by a mortgage; and mortgagor includes any person from time to time deriving title under the original mortgagor, or entitled to redeem a mortgage, according to his estate, interest, or right, in the mortgaged property; and mortgagee includes any person from time to time deriving title under the original mortgagee; and mortgagee in possession is, for the purposes of this Act, a mortgagee who, in right of the mortgage, has entered into and is in possession of the mortgaged property:

(vii.) Incumbrance includes a mortgage in fee, or for a less estate, and a trust for securing money, and a lien, and a charge of a portion, annuity, or other capital or annual sum; and incumbrancer has a meaning corresponding with that of incumbrance, and includes every person entitled to the benefit of an incumbrance, or to require payment or discharge thereof:

(viii.) Purchaser, unless a contrary intention appears, includes a lessee or mortgagee, and an intending purchaser, lessee, or mortgagee, or other person, who, for valuable consideration, takes or deals for any property; and purchase, unless a contrary intention appears, has a meaning corresponding with that of purchaser; but sale means only a sale properly so called:

(ix.) Rent includes yearly or other rent, toll, duty, royalty, or other reservation, by the acre, the ton, or otherwise; and fine includes premium or fore-gift, and any payment, consideration, or benefit in the nature of a fine, premium, or fore-gift:

(x.) Building purposes include the erecting and the improving of, and the adding to, and the repairing of buildings; and a build-

PRELIMINARY.

ing lease is a lease for building purposes or purposes connected therewith:

(xi.) A mining lease is a lease for mining purposes, that is, the searching for, winning, working, getting, making merchantable, carrying away, or disposing of mines and minerals, or purposes connected therewith, and includes a grant or licence for mining purposes:

(xii.) Will includes codicil:

(xiii.) Instrument includes deed, will, inclosure award, and Act of Parliament:

(xiv.) Securities include stocks, funds, and shares:

(xv.) Bankruptcy includes liquidation by arrangement, and any other act or proceeding in law having, under any Act for the time being in force, effects or results similar to those of bankruptcy; and bankrupt has a meaning corresponding with that of bankruptcy:

(xvi.) Writing includes print; and words referring to any instrument, copy, extract, abstract, or other document include any such instrument, copy, extract, abstract, or other document being in writing or in print, or partly in writing and partly in print:

(xvii.) Person includes a corporation:

(xviii.) Her Majesty's High Court of Justice is referred to as the Court.

SALES AND OTHER TRANSACTIONS.

## II.—SALES AND OTHER TRANSACTIONS.

### *Contracts for Sale.*

*Contracts for Sale.*

**3.**—(1.) Under a contract to sell and assign a term of years derived out of a leasehold interest in land, the intended assign shall not have the right to call for the title to the leasehold reversion.

Application of stated conditions of sale to all purchases.

(2.) Where land of copyhold or customary tenure has been converted into freehold by enfranchisement, then, under a contract to sell and convey the freehold, the purchaser shall not have the right to call for the title to make the enfranchisement.

(3.) A purchaser of any property shall not require the production, or any abstract or copy, of any deed, will, or other document, dated or made before the time prescribed by law, or stipulated, for commencement of the title, even though the same creates a power subsequently exercised by an instrument abstracted in the abstract furnished to the purchaser; nor shall he require any information, or make any requisition, objection, or inquiry, with respect to any such deed, will, or document, or the title prior to that time, notwithstanding that any such deed, will, or other document, or that prior title, is recited, covenanted to be produced, or noticed; and he shall assume, unless the contrary appears, that the recitals, contained in the abstracted instruments, of any deed, will, or other document, forming part of that prior title, are correct, and give all the material contents of the deed, will, or other document so recited, and that every document so recited was duly executed by all necessary parties, and perfected, if and as required, by fine, recovery, acknowledgment, inrolment, or otherwise.

SALES AND OTHER TRANSACTIONS.

*Contracts for Sale.*

(4.) Where land sold is held by lease (not including under-lease), the purchaser shall assume, unless the contrary appears, that the lease was duly granted; and, on production of the receipt for the last payment due for rent under the lease before the date of actual completion of the purchase, he shall assume, unless the contrary appears, that all the covenants and provisions of the lease have been duly performed and observed up to the date of actual completion of the purchase.

(5.) Where land sold is held by under-lease, the purchaser shall assume, unless the contrary appears, that the under-lease and every superior lease were duly granted; and, on production of the receipt for the last payment due for rent under the under-lease before the date of actual completion of the purchase, he shall assume, unless the contrary appears, that all the covenants and provisions of the under-lease have been duly performed and observed up to the date of actual completion of the purchase, and further that all rent due under every superior lease, and all the covenants and provisions of every superior lease, have been paid and duly performed and observed up to that date.

(6.) On a sale of any property, the expenses of the production and inspection of all Acts of Parliament, inclosure awards, records, proceedings of courts, court rolls, deeds, wills, probates, letters of administration, and other documents, not in the vendor's possession, and the expenses of all journeys incidental to such production or inspection, and the expenses of searching for, procuring, making, verifying, and producing all certificates, declarations, evidences, and information not in the vendor's possession, and all attested, stamped, office, or other copies or abstracts of, or extracts from, any Acts of Parliament or other documents aforesaid, not in the vendor's possession, if any such production, inspection, journey, search, procuring, making, or verifying is required by a purchaser, either for verification of the abstract, or for any other purpose, shall be borne by the purchaser who requires the same; and where the vendor retains possession of any document, the expenses of making any copy thereof, attested or unattested, which a purchaser requires to be delivered to him, shall be borne by that purchaser.

(7.) On a sale of any property in lots, a purchaser of two or more lots, held wholly or partly under the same title, shall not have a right to more than one abstract of the common title, except at his own expense.

(8.) This section applies only to titles and purchasers on sales properly so called, notwithstanding any interpretation in this Act.

(9.) This section applies only if and as far as a contrary intention is not expressed in the contract of sale, and shall have effect subject to the terms of the contract and to the provisions therein contained.

(10.) This section applies only to sales made after the commencement of this Act.

(11.) Nothing in this section shall be construed as binding a purchaser to complete his purchase in any case where, on a contract made independently of this section, and containing stipulations similar to the provisions of this section, or any of them, specific performance of the contract would not be enforced against him by the Court.

SALES AND OTHER TRANSACTIONS.

*Contracts for Sale.*

Completion of contract after death.

**4.**—(1.) Where at the death of any person there is subsisting a contract enforceable against his heir or devisee, for the sale of the fee simple or other freehold interest, descendible to his heirs general, in any land, his personal representatives shall, by virtue of this Act, have power to convey the land for all the estate and interest vested in him at his death, in any manner proper for giving effect to the contract.

(2.) A conveyance made under this section shall not affect the beneficial rights of any person claiming under any testamentary disposition or as heir or next of kin of a testator or intestate.

(3.) This section applies only in cases of death after the commencement of this Act.

*Discharge of Incumbrances on Sale.*

*Discharge of Incumbrances on Sale.*

Provision by Court for incumbrances, and sale freed therefrom.

**5.**—(1.) Where land subject to any incumbrance, whether immediately payable or not, is sold by the Court, or out of Court, the Court may, if it thinks fit, on the application of any party to the sale, direct or allow payment into Court, in case of an annual sum charged on the land, or of a capital sum charged on a determinable interest in the land, of such amount as, when invested in Government securities, the Court considers will be sufficient, by means of the dividends thereof, to keep down or otherwise provide for that charge, and in any other case of capital money charged on the land, of the amount sufficient to meet the incumbrance and any interest due thereon; but in either case there shall also be paid into Court such additional amount as the Court considers will be sufficient to meet the contingency of further costs, expenses, and interest, and any other contingency, except depreciation of investments, not exceeding one-tenth part of the original amount to be paid in, unless the Court for special reason thinks fit to require a larger additional amount.

(2.) Thereupon, the Court may, if it thinks fit, and either after or without any notice to the incumbrancer, as the Court thinks fit, declare the land to be freed from the incumbrance, and make any order for conveyance, or vesting order, proper for giving effect to the sale, and give directions for the retention and investment of the money in Court.

(3.) After notice served on the persons interested in or entitled to the money or fund in Court, the Court may direct payment or transfer thereof to the persons entitled to receive or give a discharge for the same, and generally may give directions respecting the application or distribution of the capital or income thereof.

(4.) This section applies to sales not completed at the commencement of this Act, and to sales thereafter made.

*General Words.*

*General Words.*

General words in conveyances of land, buildings, or manor.

**6.**—(1.) A conveyance of land shall be deemed to include and shall by virtue of this Act operate to convey, with the land, all buildings, erections, fixtures, commons, hedges, ditches, fences, ways, waters, watercourses, liberties, privileges, easements, rights, and

Sales and other Transactions.

*General Words.*

advantages whatsoever, appertaining or reputed to appertain to the land, or any part thereof, or at the time of conveyance demised, occupied, or enjoyed with, or reputed or known as part or parcel of or appurtenant to the land or any part thereof.

(2.) A conveyance of land, having houses or other buildings thereon, shall be deemed to include and shall by virtue of this Act operate to convey, with the land, houses, or other buildings, all outhouses, erections, fixtures, cellars, areas, courts, courtyards, cisterns, sewers, gutters, drains, ways, passages, lights, watercourses, liberties, privileges, easements, rights, and advantages whatsoever, appertaining or reputed to appertain to the land, houses, or other buildings conveyed, or any of them, or any part thereof, or at the time of conveyance demised, occupied, or enjoyed with, or reputed or known as part or parcel of or appurtenant to, the land, houses, or other buildings conveyed, or any of them, or any part thereof.

(3.) A conveyance of a manor shall be deemed to include and shall by virtue of this Act operate to convey, with the manor, all pastures, feedings, wastes, warrens, commons, mines, minerals, quarries, furzes, trees, woods, underwoods, coppices, and the ground and soil thereof, fishings, fisheries, fowlings, courts leet, courts baron, and other courts, view of frankpledge and all that to view of frankpledge doth belong, mills, mulctures, customs, tolls, duties, reliefs, heriots, fines, sums of money, amerciaments, waifs, estrays, chief-rents, quit-rents, rentscharge, rents seck, rents of assize, fee farm rents, services, royalties, jurisdictions, franchises, liberties, privileges, easements, profits, advantages, rights, emoluments, and hereditaments whatsoever, to the manor appertaining or reputed to appertain, or at the time of conveyance demised, occupied, or enjoyed with the same, or reputed or known as part, parcel, or member thereof.

(4.) This section applies only if and as far as a contrary intention is not expressed in the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.

(5.) This section shall not be construed as giving to any person a "better title" to any property, right, or thing in this section mentioned than the title which the conveyance gives to him to the land or manor expressed to be conveyed, or as conveying to him any property, right, or thing in this section mentioned, further or otherwise than as the same could have been conveyed to him by the conveying parties.

(6.) This section applies only to conveyances made after the commencement of this Act.

### *Covenants for Title.*

*Covenants for Title.*

Covenants for title to be implied.

7.—(1.) In a conveyance there shall, in the several cases in this section mentioned, be deemed to be included, and there shall in those several cases, by virtue of this Act, be implied, a covenant to the effect in this section stated, by the person or by each person who conveys, as far as regards the subject-matter or share of subject-matter expressed to be conveyed by him, with the person, if one, to whom the conveyance is made, or with the persons jointly, if

SALES AND OTHER TRANSACTIONS.

more than one, to whom the conveyance is made as joint tenants, or with each of the persons, if more than one, to whom the conveyance is made as tenants in common, that is to say:

*Covenants for Title.*

On conveyance for value by beneficial owner.

(A.) In a conveyance for valuable consideration, other than a mortgage, the following covenant by a person who conveys and is expressed to convey as beneficial owner (namely):

Right to convey.

That, notwithstanding anything by the person who so conveys, or any one through whom he derives title, otherwise than by purchase for value, made, done, executed, or omitted, or knowingly suffered, the person who so conveys, has, with the concurrence of every other person, if any, conveying by his direction, full power to convey the subject-matter expressed to be conveyed, subject as, if so expressed, and in the manner in which, it is expressed to be conveyed, and that, notwithstanding anything as aforesaid, that subject-matter shall remain to and be quietly entered upon, received, and held, occupied, enjoyed, and taken, by the person to whom the conveyance is expressed to be made, and any person deriving title under him, and the benefit thereof shall be received and taken accordingly, without any lawful interruption or disturbance by the person who so conveys or any person conveying by his direction, or rightfully claiming or to claim by, through, under, or in trust for the person who so conveys, or any person conveying by his direction, or by, through, or under any one not being a person claiming in respect of an estate or interest subject whereto the conveyance is expressly made, through whom the person who so conveys derives title, otherwise than by purchase for value; and that, freed and discharged from, or otherwise by the person who so conveys sufficiently indemnified against, all such estates, incumbrances, claims, and demands other than those subject to which the conveyance is expressly made, as either before or after the date of the conveyance have been or shall be made, occasioned, or suffered by that person or by any person conveying by his direction, or by any person rightfully claiming by, through, under, or in trust for the person who so conveys, or by, through, or under any person conveying by his direction, or by, through, or under any one through whom the person who so conveys derives title, otherwise than by purchase for value; and further, that the person who so conveys, and any person conveying by his direction, and every other person having or rightfully claiming any estate or interest in the subject-matter of conveyance, other than an estate or interest subject whereto the conveyance is expressly made, by, through, under, or in trust for the person who so conveys, or by, through, or under any person conveying by his direction, or by, through, or under any one through whom the person who so conveys derives title, otherwise than by purchase for value, will, from time to time and at all times after the date of the conveyance, on the request and at the cost of any person to whom the conveyance is expressed to be made, or of any person deriving title under him, execute and do all such lawful assurances and things for further or more perfectly assuring the subject-

Quiet enjoyment.

Freedom from incumbrance.

Further assurance

matter of the conveyance to the person to whom the conveyance is made, and to those deriving title under him, subject as, if so expressed, and in the manner in which the conveyance is expressed to be made, as by him or them or any of them shall be reasonably required:

SALES AND OTHER TRANSACTIONS.

*Covenants for Title.*

(in which covenant a purchase for value shall not be deemed to include a conveyance in consideration of marriage):

(B.) In a conveyance of leasehold property for valuable consideration, other than a mortgage, the following further covenant by a person who conveys and is expressed to convey as beneficial owner (namely):

On conveyance of leaseholds for value, by beneficial owner.

That, notwithstanding anything by the person who so conveys, or any one through whom he derives title otherwise than by purchase for value, made, done, executed, or omitted, or knowingly suffered, the lease or grant creating the term or estate for which the land is conveyed is, at the time of conveyance, a good, valid, and effectual lease or grant of the property conveyed, and is in full force, unforfeited, unsurrendered, and in nowise become void or voidable, and that, notwithstanding anything as aforesaid, all the rents reserved by, and all the covenants, conditions, and agreements contained in, the lease or grant, and on the part of the lessee or grantee and the persons deriving title under him to be paid, observed, and performed, have been paid, observed, and performed up to the time of conveyance:

Validity of lease.

(in which covenant a purchase for value shall not be deemed to include a conveyance in consideration of marriage):

(C.) In a conveyance by way of mortgage, the following covenant by a person who conveys and is expressed to convey as beneficial owner (namely):

On mortgage, by beneficial owner.

That the person who so conveys, has, with the concurrence of every other person, if any, conveying by his direction, full power to convey the subject-matter expressed to be conveyed by him, subject as, if so expressed, and in the manner in which it is expressed to be conveyed; and also that, if default is made in payment of the money intended to be secured by the conveyance, or any interest thereon, or any part of that money or interest, contrary to any provision in the conveyance, it shall be lawful for the person to whom the conveyance is expressed to be made, and the persons deriving title under him, to enter into and upon, or receive, and thenceforth quietly hold, occupy, and enjoy or take and have, the subject-matter expressed to be conveyed, or any part thereof, without any lawful interruption or disturbance by the person who so conveys, or any person conveying by his direction, or any other person not being a person claiming in respect of an estate or interest subject whereto the conveyance is expressly made; and that, freed and discharged from, or otherwise by the person who so conveys sufficiently indemnified against, all estates, incumbrances, claims, and demands whatever, other than those subject whereto the conveyance is expressly made; and further, that the person who so conveys and every person conveying by his direction, and every person deriving title

Right to convey.

Quiet enjoyment.

Freedom from incumbrance.

Further assurance

SALES AND OTHER TRANSACTIONS.

*Covenants for Title.*

under any of them, and every other person having or rightfully claiming any estate or interest in the subject-matter of conveyance, or any part thereof, other than an estate or interest subject whereto the conveyance is expressly made, will from time to time and at all times, on the request of any person to whom the conveyance is expressed to be made, or of any person deriving title under him, but, as long as any right of redemption exists under the conveyance, at the cost of the person so conveying, or of those deriving title under him, and afterwards at the cost of the person making the request, execute and do all such lawful assurances and things for further or more perfectly assuring the subject-matter of conveyance and every part thereof to the person to whom the conveyance is made, and to those deriving title under him, subject as, if so expressed, and in the manner in which the conveyance is expressed to be made, as by him or them or any of them shall be reasonably required:

On mortgage of leaseholds, by beneficial owner.

(D.) In a conveyance by way of mortgage of leasehold property, the following further covenant by a person who conveys and is expressed to convey as beneficial owner (namely):

Validity of lease.

That the lease or grant creating the term or estate for which the land is held is, at the time of conveyance, a good, valid, and effectual lease or grant of the land conveyed and is in full force, unforfeited, and unsurrendered, and in nowise become void or voidable, and that all the rents reserved by, and all the covenants, conditions, and agreements contained in, the lease or grant, and on the part of the lessee or grantee and the persons deriving title under him to be paid, observed, and performed, have been paid, observed, and performed up to the time of conveyance; and also that the person so conveying, or the persons deriving title under him, will at all times, as long as any money remains on the security of the conveyance, pay, observe, and perform, or cause to be paid, observed, and performed all the rents reserved by, and all the covenants, conditions, and agreements contained in, the lease or grant, and on the part of the lessee or grantee and the persons deriving title under him to be paid, observed, and performed, and will keep the person to whom the conveyance is made, and those deriving title under him, indemnified against all actions, proceedings, costs, charges, damages, claims, and demands, if any, to be incurred or sustained by him or them by reason of the non-payment of such rent or the non-observance or non-performance of such covenants, conditions, and agreements, or any of them:

Payment of rent and performance of covenants.

On settlement.

(E.) In a conveyance by way of settlement, the following covenant by a person who conveys and is expressed to convey as settler (namely):

For further assurance limited.

That the person so conveying, and every person deriving title under him by deed or act or operation of law in his lifetime subsequent to that conveyance, or by testamentary disposition or devolution in law, on his death, will, from time to time, and at all times, after the date of that conveyance, at the request and cost of any person deriving title thereunder,

execute and do all such lawful assurances and things for further or more perfectly assuring the subject-matter of the conveyance to the persons to whom the conveyance is made and those deriving title under them, subject as, if so expressed, and in the manner in which the conveyance is expressed to be made, as by them or any of them shall be reasonably required:

*Covenants for Title.*

On conveyance by trustee or mortgagee.

(F.) In any conveyance, the following covenant by every person who conveys and is expressed to convey as trustee or mortgagee, or as personal representative of a deceased person, or as committee of a lunatic so found by inquisition, or under an order of the Court, which covenant shall be deemed to extend to every such person's own acts only (namely):

Against incumbrances.

That the person so conveying has not executed or done, or knowingly suffered, or been party or privy to, any deed or thing, whereby or by means whereof the subject-matter of the conveyance, or any part thereof, is or may be impeached, charged, affected, or incumbered in title, estate, or otherwise, or whereby or by means whereof the person who so conveys is in anywise hindered from conveying the subject-matter of the conveyance, or any part thereof, in the manner in which it is expressed to be conveyed.

(2.) Where in a conveyance it is expressed that by direction of a person expressed to direct as beneficial owner another person conveys, then, within this section, the person giving the direction, whether he conveys and is expressed to convey as beneficial owner or not, shall be deemed to convey and to be expressed to convey as beneficial owner the subject-matter so conveyed by his direction; and a covenant on his part shall be implied accordingly.

(3.) Where a wife conveys and is expressed to convey as beneficial owner, and the husband also conveys and is expressed to convey as beneficial owner, then, within this section, the wife shall be deemed to convey and to be expressed to convey by direction of the husband, as beneficial owner; and, in addition to the covenant implied on the part of the wife, there shall also be implied, first, a covenant on the part of the husband as the person giving that direction, and secondly, a covenant on the part of the husband in the same terms as the covenant implied on the part of the wife.

(4.) Where in a conveyance a person conveying is not expressed to convey as beneficial owner, or as settlor, or as trustee, or as mortgagee, or as personal representative of a deceased person, or as committee of a lunatic so found by inquisition, or under an order of the Court, or by direction of a person as beneficial owner, no covenant on the part of the person conveying shall be, by virtue of this section, implied in the conveyance.

(5.) In this section a conveyance includes a deed conferring the right to admittance to copyhold or customary land, but does not include a demise by way of lease at a rent, or any customary assurance, other than a deed, conferring the right to admittance to copyhold or customary land.

(6.) The benefit of a covenant implied as aforesaid shall be annexed and incident to, and shall go with, the estate or interest of the implied covenantee, and shall be capable of being enforced by

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every person in whom that estate or interest is, for the whole or any part thereof, from time to time vested.

*Covenants for Title.*

(7.) A covenant implied as aforesaid may be varied or extended by deed, and, as so varied or extended, shall, as far as may be, operate in the like manner, and with all the like incidents, effects, and consequences, as if such variations or extensions were directed in this section to be implied.

(8.) This section applies only to conveyances made after the commencement of this Act.

*Execution of Purchase Deed.*

*Execution of Purchase Deed.*

Rights of purchaser as to execution.

**8.**—(1.) On a sale, the purchaser shall not be entitled to require that the conveyance to him be executed in his presence, or in that of his solicitor, as such; but shall be entitled to have, at his own cost, the execution of the conveyance attested by some person appointed by him, who may, if he thinks fit, be his solicitor.

(2.) This section applies only to sales made after the commencement of this Act.

*Production and Safe Custody of Title Deeds.*

*Production and Safe Custody of Title Deeds.*

Acknowledgment of right to production, and undertaking for safe custody of documents.

**9.**—(1.) Where a person retains possession of documents, and gives to another an acknowledgment in writing of the right of that other to production of those documents, and to delivery of copies thereof (in this section called an acknowledgment), that acknowledgment shall have effect as in this section provided.

(2.) An acknowledgment shall bind the documents to which it relates in the possession or under the control of the person who retains them, and in the possession or under the control of every other person having possession or control thereof from time to time, but shall bind each individual possessor or person as long only as he has possession or control thereof; and every person so having possession or control from time to time shall be bound specifically to perform the obligations imposed under this section by an acknowledgment, unless prevented from so doing by fire or other inevitable accident.

(3.) The obligations imposed under this section by an acknowledgment are to be performed from time to time at the request in writing of the person to whom an acknowledgment is given, or of any person, not being a lessee at a rent, having or claiming any estate, interest, or right through or under that person, or otherwise becoming through or under that person interested in or affected by the terms of any document to which the acknowledgment relates.

(4.) The obligations imposed under this section by an acknowledgment are—

(i.) An obligation to produce the documents or any of them at all reasonable times for the purpose of inspection, and of comparison with abstracts or copies thereof, by the person entitled to request production or by any one by him authorized in writing; and

(ii.) An obligation to produce the documents or any of them at any trial, hearing, or examination in any court, or in the

execution of any commission, or elsewhere in the United Kingdom, on any occasion on which production may properly be required, for proving or supporting the title or claim of the person entitled to request production, or for any other purpose relative to that title or claim; and

(iii.) An obligation to deliver to the person entitled to request the same true copies or extracts, attested or unattested, of or from the documents or any of them.

(5.) All costs and expenses of or incidental to the specific performance of any obligation imposed under this section by an acknowledgment shall be paid by the person requesting performance.

(6.) An acknowledgment shall not confer any right to damages for loss or destruction of, or injury to, the documents to which it relates, from whatever cause arising.

(7.) Any person claiming to be entitled to the benefit of an acknowledgment may apply to the Court for an order directing the production of the documents to which it relates, or any of them, or the delivery of copies of or extracts from those documents or any of them to him, or some person on his behalf; and the Court may, if it thinks fit, order production, or production and delivery, accordingly, and may give directions respecting the time, place, terms, and mode of production or delivery, and may make such order as it thinks fit respecting the costs of the application, or any other matter connected with the application.

(8.) An acknowledgment shall by virtue of this Act satisfy any liability to give a covenant for production and delivery of copies of or extracts from documents.

(9.) Where a person retains possession of documents and gives to another an undertaking in writing for safe custody thereof, that undertaking shall impose on the person giving it, and on every person having possession or control of the documents from time to time, but on each individual possessor or person as long only as he has possession or control thereof, an obligation to keep the documents safe, whole, uncancelled, and undefaced, unless prevented from so doing by fire or other inevitable accident.

(10.) Any person claiming to be entitled to the benefit of such an undertaking may apply to the Court to assess damages for any loss, destruction of, or injury to the documents or any of them, and the Court may, if it thinks fit, direct an inquiry respecting the amount of damages, and order payment thereof by the person liable, and may make such order as it thinks fit respecting the costs of the application, or any other matter connected with the application.

(11.) An undertaking for safe custody of documents shall by virtue of this Act satisfy any liability to give a covenant for safe custody of documents.

(12.) The rights conferred by an acknowledgment or an undertaking under this section shall be in addition to all such other rights relative to the production, or inspection, or the obtaining of copies of documents as are not, by virtue of this Act, satisfied by the giving of the acknowledgment or undertaking, and shall have effect subject to the terms of the acknowledgment or undertaking, and to any provisions therein contained.

SALES AND OTHER TRANSACTIONS.

(13.) This section applies only if and as far as a contrary intention is not expressed in the acknowledgment or undertaking.

(14.) This section applies only to an acknowledgment or undertaking given, or a liability respecting documents incurred, after the commencement of this Act.

*Production and Safe Custody of Title Deeds.*

LEASES.

## III.—LEASES.

Rent and benefit of lessees covenants to run with reversion.

**10.**—(1.) Rent reserved by a lease, and the benefit of every covenant or provision therein contained, having reference to the subject-matter thereof, and on the lessees part to be observed or performed, and every condition of re-entry and other condition therein contained, shall be annexed and incident to and shall go with the reversionary estate in the land, or in any part thereof, immediately expectant on the term granted by the lease, notwithstanding severance of that reversionary estate, and shall be capable of being recovered, received, enforced, and taken advantage of by the person from time to time entitled, subject to the term, to the income of the whole or any part, as the case may require, of the land leased.

(2.) This section applies only to leases made after the commencement of this Act.

Obligation of lessors covenants to run with reversion.

**11.**—(1.) The obligation of a covenant entered into by a lessor with reference to the subject-matter of the lease shall, if and as far as the lessor has power to bind the reversionary estate immediately expectant on the term granted by the lease, be annexed and incident to and shall go with that reversionary estate, or the several parts thereof, notwithstanding severance of that reversionary estate, and may be taken advantage of and enforced by the person in whom the term is from time to time vested by conveyance, devolution in law, or otherwise; and, if and as far as the lessor has power to bind the person from time to time entitled to that reversionary estate, the obligation aforesaid may be taken advantage of and enforced against any person so entitled.

(2.) This section applies only to leases made after the commencement of this Act.

Apportionment of conditions on severance, &c.

**12.**—(1.) Notwithstanding the severance by conveyance, surrender, or otherwise, of the reversionary estate in any land comprised in a lease, and notwithstanding the avoidance or cesser in any other manner of the term granted by a lease as to part only of the land comprised therein, every condition or right of re-entry, and every other condition, contained in the lease, shall be apportioned, and shall remain annexed to the severed parts of the reversionary estate as severed, and shall be in force with respect to the term whereon each severed part is reversionary, or the term in any land which has not been surrendered, or as to which the term has not been avoided or has not otherwise ceased, in like manner as if the land comprised in each severed part, or the land as to which the term remains subsisting, as the case may be, had alone originally been comprised in the lease.

(2.) This section applies only to leases made after the commencement of this Act.

LEASES.

On sub-demise, title to leasehold reversion not to be required.

**13.**—(1.) On a contract to grant a lease for a term of years to be derived out of a leasehold interest, with a leasehold reversion, the intended lessee shall not have the right to call for the title to that reversion.

(2.) This section applies only if and as far as a contrary intention is not expressed in the contract, and shall have effect subject to the terms of the contract and to the provisions therein contained.

(3.) This section applies only to contracts made after the commencement of this Act.

*Forfeiture.*

*Forfeiture.*

Restrictions on and relief against forfeiture of leases.

**14.**—(1.) A right of re-entry or forfeiture under any proviso or stipulation in a lease, for a breach of any covenant or condition in the lease, shall not be enforceable, by action or otherwise, unless and until the lessor serves on the lessee a notice specifying the particular breach complained of and, if the breach is capable of remedy, requiring the lessee to remedy the breach, and, in any case, requiring the lessee to make compensation in money for the breach, and the lessee fails, within a reasonable time thereafter, to remedy the breach, if it is capable of remedy, and to make reasonable compensation in money, to the satisfaction of the lessor, for the breach.

(2.) Where a lessor is proceeding, by action or otherwise, to enforce such a right of re-entry or forfeiture, the lessee may, in the lessor's action, if any, or in any action brought by himself, apply to the Court for relief; and the Court may grant or refuse relief, as the Court, having regard to the proceedings and conduct of the parties under the foregoing provisions of this section, and to all the other circumstances, thinks fit; and in case of relief may grant it on such terms, if any, as to costs, expenses, damages, compensation, penalty, or otherwise, including the granting of an injunction to restrain any like breach in the future, as the Court, in the circumstances of each case, thinks fit.

(3.) For the purposes of this section a lease includes an original or derivative under-lease, also a grant at a fee farm rent, or securing a rent by condition; and a lessee includes an original or derivative under-lessee, and the heirs, executors, administrators, and assigns of a lessee, also a grantee under such a grant as aforesaid, his heirs and assigns; and a lessor includes an original or derivative under-lessor, and the heirs, executors, administrators, and assigns of a lessor, also a grantor as aforesaid, and his heirs and assigns.

(4.) This section applies although the proviso or stipulation under which the right of re-entry or forfeiture accrues is inserted in the lease in pursuance of the directions of any Act of Parliament.

(5.) For the purposes of this section a lease limited to continue as long only as the lessee abstains from committing a breach of covenant shall be and take effect as a lease to continue for any longer term for which it could subsist, but determinable by a proviso for re-entry on such a breach.

(6.) This section does not extend—

(i.) To a covenant or condition against the assigning, underletting, parting with the possession, or disposing of the land

LEASES.

*Forfeiture.*

leased; or to a condition for forfeiture on the bankruptcy of the lessee, or on the taking in execution of the lessee's interest; or

(ii.) In case of a mining lease, to a covenant or condition for allowing the lessor to have access to or inspect books, accounts, records, weighing machines or other things, or to enter or inspect the mine or the workings thereof.

(7.) The enactments described in Part I. of the Second Schedule to this Act are hereby repealed.

(8.) This section shall not affect the law relating to re-entry or forfeiture or relief in case of non-payment of rent.

(9.) This section applies to leases made either before or after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

MORTGAGES.

## IV.—MORTGAGES.

Obligation on mortgagee to transfer instead of re-conveying.

**15.**—(1.) Where a mortgagor is entitled to redeem, he shall, by virtue of this Act, have power to require the mortgagee, instead of re-conveying, and on the terms on which he would be bound to re-convey, to assign the mortgage debt and convey the mortgaged property to any third person, as the mortgagor directs; and the mortgagee shall, by virtue of this Act, be bound to assign and convey accordingly.

(2.) This section does not apply in the case of a mortgagee being or having been in possession.

(3.) This section applies to mortgages made either before or after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

Power for mortgagor to inspect title deeds.

**16.**—(1.) A mortgagor, as long as his right to redeem subsists, shall, by virtue of this Act, be entitled from time to time, at reasonable times, on his request, and at his own cost, and on payment of the mortgagee's costs and expenses in this behalf, to inspect and make copies or abstracts of or extracts from the documents of title relating to the mortgaged property in the custody or power of the mortgagee.

(2.) This section applies only to mortgages made after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

Restriction on consolidation of mortgages.

**17.**—(1.) A mortgagor seeking to redeem any one mortgage, shall, by virtue of this Act, be entitled to do so, without paying any money due under any separate mortgage made by him, or by any person through whom he claims, on property other than that comprised in the mortgage which he seeks to redeem.

(2.) This section applies only if and as far as a contrary intention is not expressed in the mortgage deeds or one of them.

(3.) This section applies only where the mortgages or one of them are or is made after the commencement of this Act.

*Leases.*

### *Leases.*

Leasing powers of mortgagor and of mortgagee in possession.

**18.**—(1.) A mortgagor of land while in possession shall, as against every incumbrancer, have, by virtue of this Act, power to make from time to time any such lease of the mortgaged land, or any part thereof, as is in this section described and authorised.

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*Leases.*

(2.) A mortgagee of land while in possession shall, as against all prior incumbrancers, if any, and as against the mortgagor, have, by virtue of this Act, power to make from time to time any such lease as aforesaid.

(3.) The leases which this section authorises are—

(i.) An agricultural or occupation lease for any term not exceeding twenty-one years; and

(ii.) A building lease for any term not exceeding ninety-nine years.

(4.) Every person making a lease under this section may execute and do all assurances and things necessary or proper in that behalf.

(5.) Every such lease shall be made to take effect in possession not later than twelve months after its date.

(6.) Every such lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case, but without any fine being taken.

(7.) Every such lease shall contain a covenant by the lessee for payment of the rent, and a condition of re-entry on the rent not being paid within a time therein specified not exceeding thirty days.

(8.) A counterpart of every such lease shall be executed by the lessee and delivered to the lessor, of which execution and delivery the execution of the lease by the lessor shall, in favour of the lessee and all persons deriving title under him, be sufficient evidence.

(9.) Every such building lease shall be made in consideration of the lessee, or some person by whose direction the lease is granted, having erected, or agreeing to erect within not more than five years from the date of the lease, buildings, new or additional, or having improved or repaired buildings, or agreeing to improve or repair buildings within that time, or having executed, or agreeing to execute, within that time, on the land leased, an improvement for or in connexion with building purposes.

(10.) In any such building lease a peppercorn rent, or a nominal or other rent less than the rent ultimately payable, may be made payable for the first five years, or any less part of the term.

(11.) In case of a lease by the mortgagor, he shall, within one month after making the lease, deliver to the mortgagee, or, where there are more than one, to the mortgagee first in priority, a counterpart of the lease duly executed by the lessee; but the lessee shall not be concerned to see that this provision is complied with.

(12.) A contract to make or accept a lease under this section may be enforced by or against every person on whom the lease if granted would be binding.

(13.) This section applies only if and as far as a contrary intention is not expressed by the mortgagor and mortgagee in the mortgage deed, or otherwise in writing, and shall have effect subject to the terms of the mortgage deed or of any such writing and to the provisions therein contained.

(14.) Nothing in this Act shall prevent the mortgage deed from reserving to or conferring on the mortgagor or the mortgagee, or both, any further or other powers of leasing or having reference to leasing; and any further or other powers so reserved or conferred shall be exerciseable, as far as may be, as if they were conferred by

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*Leases.*

this Act, and with all the like incidents, effects, and consequences, unless a contrary intention is expressed in the mortgage deed.

(15.) Nothing in this Act shall be construed to enable a mortgagor or mortgagee to make a lease for any longer term or on any other conditions than such as could have been granted or imposed by the mortgagor, with the concurrence of all the incumbrancers, if this Act had not been passed.

(16.) This section applies only in case of a mortgage made after the commencement of this Act; but the provisions thereof, or any of them, may, by agreement in writing made after the commencement of this Act, between mortgagor and mortgagee, be applied to a mortgage made before the commencement of this Act, so, nevertheless, that any such agreement shall not prejudicially affect any right or interest of any mortgagee not joining in or adopting the agreement.

(17.) The provisions of this section referring to a lease shall be construed to extend and apply, as far as circumstances admit, to any letting, and to an agreement, whether in writing or not, for leasing or letting.

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*Sale; Insurance; Receiver; Timber.*

Powers incident to estate or interest of mortgagee.

**19.**—(1.) A mortgagee, where the mortgage is made by deed, shall, by virtue of this Act, have the following powers, to the like extent as if they had been in terms conferred by the mortgage deed, but not further (namely):

(i.) A power, when the mortgage money has become due, to sell, or to concur with any other person in selling, the mortgaged property, or any part thereof, either subject to prior charges, or not, and either together or in lots, by public auction or by private contract, subject to such conditions respecting title, or evidence of title, or other matter, as he (the mortgagee) thinks fit, with power to vary any contract for sale, and to buy in at an auction, or to rescind any contract for sale, and to re-sell, without being answerable for any loss occasioned thereby; and

(ii.) A power, at any time after the date of the mortgage deed, to insure and keep insured against loss or damage by fire any building, or any effects or property of an insurable nature, whether affixed to the freehold or not, being or forming part of the mortgaged property, and the premiums paid for any such insurance shall be a charge on the mortgaged property, in addition to the mortgage money, and with the same priority, and with interest at the same rate, as the mortgage money; and

(iii.) A power, when the mortgage money has become due, to appoint a receiver of the income of the mortgaged property, or of any part thereof; and

(iv.) A power, while the mortgagee is in possession, to cut and sell timber and other trees ripe for cutting, and not planted or left standing for shelter or ornament, or to contract for any such cutting and sale, to be completed within any time not exceeding twelve months from the making of the contract.

(2.) The provisions of this Act relating to the foregoing powers, comprised either in this section, or in any subsequent section regulating the exercise of those powers, may be varied or extended by the mortgage deed, and, as so varied or extended, shall, as far as may be, operate in the like manner and with all the like incidents, effects, and consequences, as if such variations or extensions were contained in this Act. Mortgages. *Sale; Insurance; Receiver; Timber.*

(3.) This section applies only if and as far as a contrary intention is not expressed in the mortgage deed, and shall have effect subject to the terms of the mortgage deed and to the provisions therein contained.

(4.) This section applies only where the mortgage deed is executed after the commencement of this Act.

**20.** A mortgagee shall not exercise the power of sale conferred by this Act unless and until— Regulation of exercise of power of sale.

(i.) Notice requiring payment of the mortgage money has been served on the mortgagor or one of several mortgagors, and default has been made in payment of the mortgage money, or of part thereof, for three months after such service; or

(ii.) Some interest under the mortgage is in arrear and unpaid for two months after becoming due; or

(iii.) There has been a breach of some provision contained in the mortgage deed or in this Act, and on the part of the mortgagor, or of some person concurring in making the mortgage, to be observed or performed, other than and besides a covenant for payment of the mortgage money or interest thereon.

**21.**—(1.) A mortgagee exercising the power of sale conferred by this Act shall have power, by deed, to convey the property sold, for such estate and interest therein as is the subject of the mortgage, freed from all estates, interests, and rights to which the mortgage has priority, but subject to all estates, interests, and rights which have priority to the mortgage; except that, in the case of copyhold or customary land, the legal right to admittance shall not pass by a deed under this section, unless the deed is sufficient otherwise by law, or is sufficient by custom, in that behalf. Conveyance, receipt, &c. on sale.

(2.) Where a conveyance is made in professed exercise of the power of sale conferred by this Act, the title of the purchaser shall not be impeachable on the ground that no case had arisen to authorise the sale, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised; but any person damnified by an unauthorized, or improper, or irregular exercise of the power shall have his remedy in damages against the person exercising the power.

(3.) The money which is received by the mortgagee, arising from the sale, after discharge of prior incumbrances to which the sale is not made subject, if any, or after payment into Court under this Act of a sum to meet any prior incumbrance, shall be held by him in trust to be applied by him, first, in payment of all costs, charges, and expenses, properly incurred by him, as incident to the sale or any attempted sale, or otherwise; and secondly, in discharge of the mortgage money, interest, and costs, and other money, if any, due under the mortgage; and the residue of the money so received shall

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be paid to the person entitled to the mortgaged property, or authorized to give receipts for the proceeds of the sale thereof.

(4.) The power of sale conferred by this Act may be exercised by any person for the time being entitled to receive and give a discharge for the mortgage money.

(5.) The power of sale conferred by this Act shall not affect the right of foreclosure.

(6.) The mortgagee, his executors, administrators, or assigns, shall not be answerable for any involuntary loss happening in or about the exercise or execution of the power of sale conferred by this Act or of any trust connected therewith.

(7.) At any time after the power of sale conferred by this Act has become exercisable, the person entitled to exercise the same may demand and recover from any person, other than a person having in the mortgaged property an estate, interest, or right in priority to the mortgage, all the deeds and documents relating to the property, or to the title thereto, which a purchaser under the power of sale would be entitled to demand and recover from him.

Mortgagee's receipts, discharges, &c.

**22.**—(1.) The receipt in writing of a mortgagee shall be a sufficient discharge for any money arising under the power of sale conferred by this Act, or for any money or securities comprised in his mortgage, or arising thereunder; and a person paying or transferring the same to the mortgagee shall not be concerned to inquire whether any money remains due under the mortgage.

(2.) Money received by a mortgagee under his mortgage or from the proceeds of securities comprised in his mortgage shall be applied in like manner as in this Act directed respecting money received by him arising from a sale under the power of sale conferred by this Act; but with this variation, that the costs, charges, and expenses payable shall include the costs, charges, and expenses properly incurred of recovering and receiving the money or securities, and of conversion of securities into money, instead of those incident to sale.

Amount and application of insurance money.

**23.**—(1.) The amount of an insurance effected by a mortgagee against loss or damage by fire under the power in that behalf conferred by this Act shall not exceed the amount specified in the mortgage deed, or, if no amount is therein specified, then shall not exceed two third parts of the amount that would be required, in case of total destruction, to restore the property insured.

(2.) An insurance shall not, under the power conferred by this Act, be effected by a mortgagee in any of the following cases (namely):

(i.) Where there is a declaration in the mortgage deed that no insurance is required:

(ii.) Where an insurance is kept up by or on behalf of the mortgagor in accordance with the mortgage deed:

(iii.) Where the mortgage deed contains no stipulation respecting insurance, and an insurance is kept up by or on behalf of the mortgagor, to the amount in which the mortgagee is by this Act authorized to insure.

(3.) All money received on an insurance effected under the mortgage deed or under this Act shall, if the mortgagee so requires, be

applied by the mortgagor in making good the loss or damage in respect of which the money is received. MORTGAGE. *Sale; Insurance; Receiver; Timber.*

(4.) Without prejudice to any obligation to the contrary imposed by law, or by special contract, a mortgagee may require that all money received on an insurance be applied in or towards discharge of the money due under his mortgage.

Appointment, powers, remuneration, and duties of receiver.

**24.**—(1.) A mortgagee entitled to appoint a receiver under the power in that behalf conferred by this Act shall not appoint a receiver until he has become entitled to exercise the power of sale conferred by this Act, but may then, by writing under his hand, appoint such person as he thinks fit to be receiver.

(2.) The receiver shall be deemed to be the agent of the mortgagor; and the mortgagor shall be solely responsible for the receiver's acts or defaults, unless the mortgage deed otherwise provides.

(3.) The receiver shall have power to demand and recover all the income of the property of which he is appointed receiver, by action, distress, or otherwise, in the name either of the mortgagor or of the mortgagee, to the full extent of the estate or interest which the mortgagor could dispose of, and to give effectual receipts, accordingly, for the same.

(4.) A person paying money to the receiver shall not be concerned to inquire whether any case has happened to authorize the receiver to act.

(5.) The receiver may be removed, and a new receiver may be appointed, from time to time by the mortgagee by writing under his hand.

(6.) The receiver shall be entitled to retain out of any money received by him, for his remuneration, and in satisfaction of all costs, charges, and expenses incurred by him as receiver, a commission at such rate, not exceeding five per centum on the gross amount of all money received, as is specified in his appointment, and if no rate is so specified, then at the rate of five per centum on that gross amount, or at such higher rate as the Court thinks fit to allow, on application made by him for that purpose.

(7.) The receiver shall, if so directed in writing by the mortgagee, insure and keep insured against loss or damage by fire, out of the money received by him, any building, effects, or property comprised in the mortgage, whether affixed to the freehold or not, being of an insurable nature.

(8.) The receiver shall apply all money received by him as follows (namely):

(i.) In discharge of all rents, taxes, rates, and outgoings whatever affecting the mortgaged property; and

(ii.) In keeping down all annual sums or other payments, and the interest on all principal sums, having priority to the mortgage in right whereof he is receiver; and

(iii.) In payment of his commission, and of the premiums on fire, life, or other insurances, if any, properly payable under the mortgage deed or under this Act, and the cost of executing necessary or proper repairs directed in writing by the mortgagee; and

(iv.) In payment of the interest accruing due in respect of any principal money due under the mortgage;

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and shall pay the residue of the money received by him to the person who, but for the possession of the receiver, would have been entitled to receive the income of the mortgaged property, or who is otherwise entitled to that property.

*Action respecting Mortgage.*

*Action respecting Mortgage.*

Sale of mortgaged property in action for foreclosure, &c.

**25.**—(1.) Any person entitled to redeem mortgaged property may have a judgment or order for sale instead of for redemption in an action brought by him either for redemption alone, or for sale alone, or for sale or redemption, in the alternative.

(2.) In any action, whether for foreclosure, or for redemption, or for sale, or for the raising and payment in any manner of mortgage money, the Court, on the request of the mortgagee, or of any person interested either in the mortgage money or in the right of redemption, and notwithstanding the dissent of any other person, and notwithstanding that the mortgagee or any person so interested does not appear in the action, and without allowing any time for redemption or for payment of any mortgage money, may, if it thinks fit, direct a sale of the mortgaged property, on such terms as it thinks fit, including, if it thinks fit, the deposit in Court of a reasonable sum fixed by the Court, to meet the expenses of sale and to secure performance of the terms.

(3.) But, in an action brought by a person interested in the right of redemption and seeking a sale, the Court may, on the application of any defendant, direct the plaintiff to give such security for costs as the Court thinks fit, and may give the conduct of the sale to any defendant, and may give such directions as it thinks fit respecting the costs of the defendants or any of them.

(4.) In any case within this section the Court may, if it thinks fit, direct a sale without previously determining the priorities of incumbrancers.

(5.) This section applies to actions brought either before or after the commencement of this Act.

15 & 16 Vict. c. 86. s. 48.

(6.) The enactment described in Part II. of the Second Schedule to this Act is hereby repealed.

(7.) This section does not extend to Ireland.

STATUTORY MORTGAGE.

## V.—STATUTORY MORTGAGE.

Form of statutory mortgage in schedule.

**26.**—(1.) A mortgage of freehold or leasehold land may be made by a deed expressed to be made by way of statutory mortgage, being in the form given in Part I. of the Third Schedule to this Act, with such variations and additions, if any, as circumstances may require, and the provisions of this section shall apply thereto.

(2.) There shall be deemed to be included, and there shall by virtue of this Act be implied, in the mortgage deed—

First, a covenant with the mortgagee by the person expressed therein to convey as mortgagor to the effect following (namely):

That the mortgagor will, on the stated day, pay to the mortgagee the stated mortgage money, with interest thereon in the meantime, at the stated rate, and will thereafter, if and as long as the mortgage money or any part thereof remains unpaid, pay to the

STATUTORY MORTGAGE.

mortgagee interest thereon, or on the unpaid part thereof, at the stated rate, by equal half-yearly payments, the first thereof to be made at the end of six calendar months from the day stated for payment of the mortgage money:

Secondly, a proviso to the effect following (namely):

That if the mortgagor, on the stated day, pays to the mortgagee the stated mortgage money, with interest thereon in the meantime, at the stated rate, the mortgagee at any time thereafter, at the request and cost of the mortgagor, shall re-convey the mortgaged property to the mortgagor, or as he shall direct.

Forms of statutory transfer of mortgage in schedule.

**27.**—(1.) A transfer of a statutory mortgage may be made by a deed expressed to be made by way of statutory transfer of mortgage, being in such one of the three forms (A.) and (B.) and (C.) given in Part II. of the Third Schedule to this Act as may be appropriate to the case, with such variations and additions, if any, as circumstances may require, and the provisions of this section shall apply thereto.

(2.) In whichever of those three forms the deed of transfer is made, it shall have effect as follows (namely):

(i.) There shall become vested in the person to whom the benefit of the mortgage is expressed to be transferred, who, with his executors, administrators, and assigns, is hereafter in this section designated the transferee, the right to demand, sue for, recover, and give receipts for the mortgage money, or the unpaid part thereof, and the interest then due, if any, and thenceforth to become due, thereon, and the benefit of all securities for the same, and the benefit of and the right to sue on all covenants with the mortgagee, and the right to exercise all powers of the mortgagee:

(ii.) All the estate and interest, subject to redemption, of the mortgagee in the mortgaged land shall vest in the transferee, subject to redemption.

(3.) If the deed of transfer is made in the form (B.), there shall also be deemed to be included, and there shall by virtue of this Act be implied therein, a covenant with the transferee by the person expressed to join therein as covenantor to the effect following (namely):

That the covenantor will, on the next of the days by the mortgage deed fixed for payment of interest, pay to the transferee the stated mortgage money, or so much thereof as then remains unpaid, with interest thereon, or on the unpaid part thereof, in the meantime, at the rate stated in the mortgage deed; and will thereafter, as long as the mortgage money, or any part thereof, remains unpaid, pay to the transferee interest on that sum, or the unpaid part thereof, at the same rate, on the successive days by the mortgage deed fixed for payment of interest.

(4.) If the deed of transfer is made in the form (C.), it shall, by virtue of this Act, operate not only as a statutory transfer of mortgage, but also as a statutory mortgage, and the provisions of this section shall have effect in relation thereto, accordingly; but it shall not be liable to any increased stamp duty by reason only of it being designated a mortgage.

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Implied covenants, joint and several.

**28.** In a deed of statutory mortgage, or of statutory transfer of mortgage, where more persons than one are expressed to convey as mortgagors, or to join as covenantors, the implied covenant on their part shall be deemed to be a joint and several covenant by them; and where there are more mortgagees or more transferees than one, the implied covenant with them shall be deemed to be a covenant with them jointly, unless the amount secured is expressed to be secured to them in shares or distinct sums, in which latter case the implied covenant with them shall be deemed to be a covenant with each severally in respect of the share or distinct sum secured to him.

Form of re-conveyance of statutory mortgage in schedule.

**29.** A re-conveyance of a statutory mortgage may be made by a deed expressed to be made by way of statutory re-conveyance of mortgage, being in the form given in Part III. of the Third Schedule to this Act, with such variations and additions, if any, as circumstances may require.

TRUST AND MORTGAGE ESTATES ON DEATH.

## VI.—TRUST AND MORTGAGE ESTATES ON DEATH.

Devolution of trust and mortgage estates on death

**30.**—(1.) Where an estate or interest of inheritance, or limited to the heir as special occupant, in any tenements or hereditaments, corporeal or incorporeal, is vested on any trust, or by way of mortgage, in any person solely, the same shall, on his death, notwithstanding any testamentary disposition, devolve to and become vested in his personal representatives or representative from time to time, in like manner as if the same were a chattel real vesting in them or him; and accordingly all the like powers, for one only of several joint personal representatives, as well as for a single personal representative, and for all the personal representatives together, to dispose of and otherwise deal with the same, shall belong to the deceased's personal representatives or representative from time to time, with all the like incidents, but subject to all the like rights, equities, and obligations, as if the same were a chattel real vesting in them or him; and, for the purposes of this section, the personal representatives, for the time being, of the deceased, shall be deemed in law his heirs and assigns, within the meaning of all trusts and powers.

37 & 38 Vict. c. 78. 38 & 39 Vict. c. 87.

(2.) Section four of the Vendor and Purchaser Act, 1874, and section forty-eight of the Land Transfer Act, 1875, are hereby repealed.

(3.) This section, including the repeals therein, applies only in cases of death after the commencement of this Act.

TRUSTEES AND EXECUTORS.

## VII.—TRUSTEES AND EXECUTORS.

Appointment of new trustees, vesting of trust property, &c.

**31.**—(1.) Where a trustee, either original or substituted, and whether appointed by a Court or otherwise, is dead, or remains out of the United Kingdom for more than twelve months, or desires to be discharged from the trusts or powers reposed in or conferred on him, or refuses or is unfit to act therein, or is incapable of acting therein, then the person or persons nominated for this purpose by the instrument, if any, creating the trust, or if there is no such person, or no such person able and willing to act, then the surviving

or continuing trustees or trustee for the time being, or the personal representatives of the last surviving or continuing trustee, may, by writing, appoint another person or other persons to be a trustee or trustees in the place of the trustee dead, remaining out of the United Kingdom, desiring to be discharged, refusing or being unfit, or being incapable, as aforesaid.[1]

(2.) On an appointment of a new trustee, the number of trustees may be increased.

(3.) On an appointment of a new trustee, it shall not be obligatory to appoint more than one new trustee, where only one trustee was originally appointed, or to fill up the original number of trustees, where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under this section from his trust unless there will be at least two trustees to perform the trust.

(4.) On an appointment of a new trustee any assurance or thing requisite for vesting the trust property, or any part thereof, jointly in the persons who are the trustees, shall be executed or done.

(5.) Every new trustee so appointed, as well before as after all the trust property becomes by law, or by assurance, or otherwise, vested in him, shall have the same powers, authorities, and discretions, and may in all respects act, as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

(6.) The provisions of this section relative to a trustee who is dead include the case of a person nominated trustee in a will but dying before the testator; and those relative to a continuing trustee include a refusing or retiring trustee, if willing to act in the execution of the provisions of this section.

(7.) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(8.) This section applies to trusts created either before or after the commencement of this Act.

Retirement of trustee.

**32.**—(1.) Where there are more than two trustees, if one of them by deed declares that he is desirous of being discharged from the trust, and if his co-trustees and such other person, if any, as is empowered to appoint trustees, by deed consent to the discharge of the trustee, and to the vesting in the co-trustees alone of the trust property, then the trustee desirous of being discharged shall be deemed to have retired from the trust, and shall, by the deed, be discharged therefrom under this Act, without any new trustee being appointed in his place.

(2.) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed or done.

(3.) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(4.) This section applies to trusts created either before or after the commencement of this Act

Powers of new trustee ap-

**33.**—(1.) Every trustee appointed by the Court of Chancery, or by the Chancery Division of the Court, or by any other court

TRUSTEES AND EXECUTORS.

pointed by court.

of competent jurisdiction, shall, as well before as after the trust property becomes by law, or by assurance, or otherwise, vested in him, have the same powers, authorities, and discretions, and may in all respects act, as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

(2.) This section applies to appointments made either before or after the commencement of this Act.

Vesting of trust property in new or continuing trustees.

**34.**—(1.) Where a deed by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any chattel so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the persons who by virtue of the deed become and are the trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in those persons, as joint tenants, and for the purposes of the trust, that estate, interest, or right.

(2.) Where a deed by which a retiring trustee is discharged under this Act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint tenants, and for the purposes of the trust, the estate, interest, or right to which the declaration relates.

(3.) This section does not extend to any legal estate or interest in copyhold or customary land, or to land conveyed by way of mortgage for securing money subject to the trust, or to any such share, stock, annuity, or property as is only transferable in books kept by a company or other body, or in manner prescribed by or under Act of Parliament.

(4.) For purposes of registration of the deed in any registry, the person or persons making the declaration shall be deemed the conveying party or parties, and the conveyance shall be deemed to be made by him or them under a power conferred by this Act.

(5.) This section applies only to deeds executed after the commencement of this Act.

Power for trustees for sale to sell by auction, &c.

**35.**—(1.) Where a trust for sale or a power of sale of property is vested in trustees, they may sell or concur with any other person in selling all or any part of the property, either subject to prior charges or not, and either together or in lots, by public auction or by private contract, subject to any such conditions respecting title or evidence of title, or other matter, as the trustees think fit, with power to vary any contract for sale, and to buy in at any auction, or to rescind any contract for sale, and to re-sell, without being answerable for any loss.

(2.) This section applies only if and as far as a contrary intention is not expressed in the instrument creating the trust or power, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(3.) This section applies only to a trust or power created by an instrument coming into operation after the commencement of this Act.

Trustees receipts.

**36.**—(1.) The receipt in writing of any trustees or trustee for any money, securities, or other personal property or effects payable,

transferable or deliverable to them or him under any trust or power shall be a sufficient discharge for the same, and shall effectually exonerate the person paying, transferring, or delivering the same from seeing to the application or being answerable for any loss or misapplication thereof. TRUSTEES AND EXECUTORS.

(2.) This section applies to trusts created either before or after the commencement of this Act.

**37.**—(1.) An executor may pay or allow any debt or claim on any evidence that he thinks sufficient. Power for executors and trustees to compound, &c.

(2.) An executor, or two or more trustees acting together, or a sole acting trustee where, by the instrument, if any, creating the trust, a sole trustee is authorized to execute the trusts and powers thereof, may, if and as he or they think fit, accept any composition, or any security, real or personal, for any debt, or for any property, real or personal, claimed, and may allow any time for payment of any debt, and may compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account, claim, or thing whatever relating to the testator's estate or to the trust, and for any of those purposes may enter into, give, execute, and do such agreements, instruments of composition or arrangement, releases, and other things as to him or them seem expedient, without being responsible for any loss occasioned by any act or thing so done by him or them in good faith.

(3.) As regards trustees, this section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(4.) This section applies to executorships and trusts constituted or created either before or after the commencement of this Act.

**38.**—(1.) Where a power or trust is given to or vested in two or more executors or trustees jointly, then, unless the contrary is expressed in the instrument, if any, creating the power or trust, the same may be exercised or performed by the survivor or survivors of them for the time being. Powers to two or more executors or trustees.

(2.) This section applies only to executorships and trusts constituted after or created by instruments coming into operation after the commencement of this Act.

## VIII.—MARRIED WOMEN. MARRIED WOMEN.

**39.**—(1.) Notwithstanding that a married woman is restrained from anticipation, the Court may, if it thinks fit, where it appears to the Court to be for her benefit, by judgment or order, with her consent, bind her interest in any property. Power for court to bind interest of married women.

(2.) This section applies only to judgments or orders made after the commencement of this Act.

**40.**—(1.) A married woman, whether an infant or not, shall by virtue of this Act have power, as if she were unmarried and of full age, by deed, to appoint an attorney on her behalf for the purpose of executing any deed or doing any other act which she might herself execute or do; and the provisions of this Act relating to instruments creating powers of attorney shall apply thereto. Power of attorney of married woman.

(2.) This section applies only to deeds executed after the commencement of this Act.

INFANTS.

## IX.—INFANTS.

Sales and leases on behalf of infant owner. 40 & 41 Vict c. 18

**41.** Where a person in his own right seised of or entitled to land for an estate in fee simple, or for any leasehold interest at a rent, is an infant, the land shall be deemed to be a settled estate within the Settled Estates Act, 1877.

Management of land and receipt and application of income during minority

**42.**—(1.) If and as long as any person who would but for this section be beneficially entitled to the possession of any land is an infant, and being a woman is also unmarried, the trustees appointed for this purpose by the settlement, if any, or if there are none so appointed, then the persons, if any, who are for the time being under the settlement trustees with power of sale of the settled land, or of part thereof, or with power of consent to or approval of the exercise of such a power of sale, or if there are none, then any persons appointed as trustees for this purpose by the Court, on the application of a guardian or next friend of the infant, may enter into and continue in possession of the land; and in every such case the subsequent provisions of this section shall apply.

(2.) The trustees shall manage or superintend the management of the land, with full power to fell timber or cut underwood from time to time in the usual course for sale, or for repairs or otherwise, and to erect, pull down, rebuild, and repair houses, and other buildings and erections, and to continue the working of mines, minerals, and quarries which have usually been worked, and to drain or otherwise improve the land or any part thereof, and to insure against loss by fire, and to make allowances to and arrangements with tenants and others, and to determine tenancies, and to accept surrenders of leases and tenancies, and generally to deal with the land in a proper and due course of management; but so that, where the infant is impeachable for waste, the trustees shall not commit waste, and shall cut timber on the same terms only, and subject to the same restrictions, on and subject to which the infant could, if of full age, cut the same

(3.) The trustees may from time to time, out of the income of the land, including the produce of the sale of timber and underwood, pay the expenses incurred in the management, or in the exercise of any power conferred by this section, or otherwise in relation to the land, and all outgoings not payable by any tenant or other person, and shall keep down any annual sum, and the interest of any principal sum, charged on the land.

(4.) The trustees may apply at discretion any income which, in the exercise of such discretion, they deem proper, according to the infant's age, for his or her maintenance, education, or benefit, or pay thereout any money to the infant's parent or guardian, to be applied for the same purposes

(5.) The trustees shall lay out the residue of the income of the land in investment on securities on which they are by the settlement, if any, or by law, authorized to invest trust money, with power to vary investments; and shall accumulate the income of the investments so made in the way of compound interest, by from time to time similarly investing such income and the resulting income of investments; and shall stand possessed of the accumulated fund arising from income of the land and from investments of income on the trusts following (namely):

(i.) If the infant attains the age of twenty-one years, then in trust for the infant;

(ii.) If the infant is a woman and marries while an infant, then in trust for her separate use, independently of her husband, and so that her receipt after she marries, and though still an infant, shall be a good discharge; but

(iii.) If the infant dies while an infant, and being a woman without having been married, then, where the infant was, under a settlement, tenant for life, or by purchase tenant in tail or tail male or tail female, on the trusts, if any, declared of the accumulated fund by that settlement; but where no such trusts are declared, or the infant has taken the land from which the accumulated fund is derived by descent, and not by purchase, or the infant is tenant for an estate in fee simple, absolute or determinable, then in trust for the infant's personal representatives, as part of the infant's personal estate;

but the accumulations, or any part thereof, may at any time be applied as if the same were income arising in the then current year.

(6.) Where the infant's estate or interest is in an undivided share of land, the powers of this section relative to the land may be exercised jointly with persons entitled to possession of, or having power to act in relation to, the other undivided share or shares.

(7.) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the interest of the infant arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(8.) This section applies only where that instrument comes into operation after the commencement of this Act.

Application by trustees of income of property of infant for maintenance, &c.

**43.**—(1.) Where any property is held by trustees in trust for an infant, either for life, or for any greater interest, and whether absolutely, or contingently on his attaining the age of twenty-one years, or on the occurrence of any event before his attaining that age, the trustees may, at their sole discretion, pay to the infant's parent or guardian, if any, or otherwise apply for or towards the infant's maintenance, education, or benefit, the income of that property, or any part thereof, whether there is any other fund applicable to the same purpose, or any person bound by law to provide for the infant's maintenance or education, or not.

(2.) The trustees shall accumulate all the residue of that income in the way of compound interest, by investing the same and the resulting income thereof from time to time on securities on which they are by the settlement, if any, or by law, authorized to invest trust money, and shall hold those accumulations for the benefit of the person who ultimately becomes entitled to the property from which the same arise; but so that the trustees may at any time, if they think fit, apply those accumulations, or any part thereof, as if the same were income arising in the then current year.

(3.) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the interest of the infant arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(4.) This section applies whether that instrument comes into operation before or after the commencement of this Act.

RENTCHARGES AND OTHER ANNUAL SUMS.

## X.—RENTCHARGES AND OTHER ANNUAL SUMS.

Remedies for recovery of annual sums charged on land.

**44.**—(1.) Where a person is entitled to receive out of any land, or out of the income of any land, any annual sum, payable half-yearly or otherwise, whether charged on the land or on the income of the land, and whether by way of rentcharge or otherwise, not being rent incident to a reversion, then, subject and without prejudice to all estates, interests, and rights having priority to the annual sum, the person entitled to receive the same shall have such remedies for recovering and compelling payment of the same as are described in this section, as far as those remedies might have been conferred by the instrument under which the annual sum arises, but not further.

(2.) If at any time the annual sum or any part thereof is unpaid for twenty-one days next after the time appointed for any payment in respect thereof, the person entitled to receive the annual sum may enter into and distrain on the land charged or any part thereof, and dispose according to law of any distress found, to the intent that thereby or otherwise the annual sum and all arrears thereof, and all costs and expenses occasioned by non-payment thereof, may be fully paid.

(3.) If at any time the annual sum or any part thereof is unpaid for forty days next after the time appointed for any payment in respect thereof, then, although no legal demand has been made for payment thereof, the person entitled to receive the annual sum may enter into possession of and hold the land charged or any part thereof, and take the income thereof, until thereby or otherwise the annual sum and all arrears thereof due at the time of his entry, or afterwards becoming due during his continuance in possession, and all costs and expenses occasioned by non-payment of the annual sum, are fully paid; and such possession when taken shall be without impeachment of waste.

(4.) In the like case the person entitled to the annual charge, whether taking possession or not, may also by deed demise the land charged, or any part thereof, to a trustee for a term of years, with or without impeachment of waste, on trust, by mortgage, or sale, or demise, for all or any part of the term, of the land charged, or of any part thereof, or by receipt of the income thereof, or by all or any of those means, or by any other reasonable means, to raise and pay the annual sum and all arrears thereof due or to become due, and all costs and expenses occasioned by nonpayment of the annual sum, or incurred in compelling or obtaining payment thereof, or otherwise relating thereto, including the costs of the preparation and execution of the deed of demise, and the costs of the execution of the trusts of that deed; and the surplus, if any, of the money raised, or of the income received, under the trusts of that deed shall be paid to the person for the time being entitled to the land therein comprised in reversion immediately expectant on the term thereby created.

(5.) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the annual sum arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(6.) This section applies only where that instrument comes into operation after the commencement of this Act.

RENTCHARGES AND OTHER ANNUAL SUMS.

Redemption of quitrents and other perpetual charges.

**45.**—(1.) Where there is a quitrent, chief-rent, rentcharge, or other annual sum issuing out of land (in this section referred to as the rent), the Copyhold Commissioners shall at any time, on the requisition of the owner of the land, or of any person interested therein, certify the amount of money in consideration whereof the rent may be redeemed.

(2.) Where the person entitled to the rent is absolutely entitled thereto in fee simple in possession, or is empowered to dispose thereof absolutely, or to give an absolute discharge for the capital value thereof, the owner of the land, or any person interested therein, may, after serving one month's notice on the person entitled to the rent, pay or tender to that person the amount certified by the Commissioners.

(3.) On proof to the Commissioners that payment or tender has been so made, they shall certify that the rent is redeemed under this Act; and that certificate shall be final and conclusive, and the land shall be thereby absolutely freed and discharged from the rent.

(4.) Every requisition under this section shall be in writing; and every certificate under this section shall be in writing, sealed with the seal of the Commissioners.

(5.) This section does not apply to tithe rentcharge, or to a rent reserved on a sale or lease, or to a rent made payable under a grant or licence for building purposes, or to any sum or payment issuing out of land not being perpetual.

(6.) This section applies to rents payable at, or created after, the commencement of this Act.

(7.) This section does not extend to Ireland.

## XI.—Powers of Attorney.

Powers of Attorney.

Execution under power of attorney.

**46.**—(1.) The donee of a power of attorney may, if he thinks fit, execute or do any assurance, instrument, or thing in and with his own name and signature and his own seal, where sealing is required, by the authority of the donor of the power; and every assurance, instrument, and thing so executed and done shall be as effectual in law, to all intents, as if it had been executed or done by the donee of the power in the name and with the signature and seal of the donor thereof.

(2.) This section applies to powers of attorney created by instruments executed either before or after the commencement of this Act.

Payment by attorney under power without notice of death, &c. good.

**47.**—(1.) Any person making or doing any payment or act, in good faith, in pursuance of a power of attorney, shall not be liable in respect of the payment or act by reason that before the payment or act the donor of the power had died or become lunatic, of unsound mind, or bankrupt, or had revoked the power, if the fact of death, lunacy, unsoundness of mind, bankruptcy, or revocation was not at the time of the payment or act known to the person making or doing the same.

(2.) But this section shall not affect any right against the payee of any person interested in any money so paid; and that person

POWERS OF ATTORNEY.

shall have the like remedy against the payee as he would have had against the payer if the payment had not been made by him.

(3.) This section applies only to payments and acts made and done after the commencement of this Act.

Deposit of original instruments creating powers of attorney.

**48.**—(1.) An instrument creating a power of attorney, its execution being verified by affidavit, statutory declaration, or other sufficient evidence, may, with the affidavit or declaration, if any, be deposited in the Central Office of the Supreme Court of Judicature.

(2.) A separate file of instruments so deposited shall be kept, and any person may search that file, and inspect every instrument so deposited, and an office copy thereof shall be delivered out to him on request.

(3.) A copy of an instrument so deposited may be presented at the office, and may be stamped or marked as an office copy, and when so stamped or marked shall become and be an office copy.

(4.) An office copy of an instrument so deposited shall without further proof be sufficient evidence of the contents of the instrument and of the deposit thereof in the Central Office.

(5.) General Rules may be made for purposes of this section, regulating the practice of the Central Office, and prescribing, with the concurrence of the Commissioners of Her Majesty's Treasury, the fees to be taken therein.

(6.) This section applies to instruments creating powers of attorney executed either before or after the commencement of this Act.

CONSTRUCTION AND EFFECT OF DEEDS AND OTHER INSTRUMENTS.

## XII.—CONSTRUCTION AND EFFECT OF DEEDS AND OTHER INSTRUMENTS.

Use of word grant unnecessary.

**49.**—(1.) It is hereby declared that the use of the word grant is not necessary in order to convey tenements or hereditaments, corporeal or incorporeal.

(2.) This section applies to conveyances made before or after the commencement of this Act

Conveyance by a person to himself, &c.

**50.**—(1.) Freehold land, or a thing in action, may be conveyed by a person to himself jointly with another person, by the like means by which it might be conveyed by him to another person; and may, in like manner, be conveyed by a husband to his wife, and by a wife to her husband, alone or jointly with another person.

(2.) This section applies only to conveyances made after the commencement of this Act.

Words of limitation in fee or in tail.

**51.**—(1.) In a deed it shall be sufficient, in the limitation of an estate in fee simple, to use the words in fee simple, without the word heirs; and in the limitation of an estate in tail, to use the words in tail without the words heirs of the body; and in the limitation of an estate in tail male or in tail female, to use the words in tail male, or in tail female, as the case requires, without the words heirs male of the body, or heirs female of the body.

(2.) This section applies only to deeds executed after the commencement of this Act.

Powers simply collateral.

**52.**—(1.) A person to whom any power, whether coupled with an interest or not, is given may by deed release, or contract not to exercise, the power.

(2.) This section applies to powers created by instruments coming into operation either before or after the commencement of this Act.

CONSTRUCTION AND EFFECT OF DEEDS AND OTHER INSTRUMENTS.

Construction of supplemental or annexed deed.

**53.**—(1.) A deed expressed to be supplemental to a previous deed, or directed to be read as an annex thereto, shall, as far as may be, be read and have effect as if the deed so expressed or directed were made by way of indorsement on the previous deed, or contained a full recital thereof.

(2.) This section applies to deeds executed either before or after the commencement of this Act.

Receipt in deed sufficient.

**54.**—(1.) A receipt for consideration money or securities in the body of a deed shall be a sufficient discharge for the same to the person paying or delivering the same, without any further receipt for the same being indorsed on the deed.

(2.) This section applies only to deeds executed after the commencement of this Act.

Receipt in deed or indorsed, evidence for subsequent purchaser.

**55.**—(1.) A receipt for consideration money or other consideration in the body of a deed or indorsed thereon shall, in favour of a subsequent purchaser, not having notice that the money or other consideration thereby acknowledged to be received was not in fact paid or given, wholly or in part, be sufficient evidence of the payment or giving of the whole amount thereof.

(2.) This section applies only to deeds executed after the commencement of this Act.

Receipt in deed or indorsed, authority for payment to solicitor.

**56.**—(1.) Where a solicitor produces a deed, having in the body thereof or indorsed thereon a receipt for consideration money or other consideration, the deed being executed, or the indorsed receipt being signed, by the person entitled to give a receipt for that consideration, the deed shall be sufficient authority to the person liable to pay or give the same for his paying or giving the same to the solicitor, without the solicitor producing any separate or other direction or authority in that behalf from the person who executed or signed the deed or receipt.

(2.) This section applies only in cases where consideration is to be paid or given after the commencement of this Act.

Sufficiency of forms in Fourth Schedule.

**57.** Deeds in the form of and using the expressions in the Forms given in the Fourth Schedule to this Act, or in the like form or using expressions to the like effect, shall, as regards form and expression in relation to the provisions of this Act, be sufficient.

Covenants to bind heirs, &c.

**58.**—(1.) A covenant relating to land of inheritance, or devolving on the heir as special occupant, shall be deemed to be made with the covenantee, his heirs and assigns, and shall have effect as if heirs and assigns were expressed.

(2.) A covenant relating to land not of inheritance, or not devolving on the heir as special occupant, shall be deemed to be made with the covenantee, his executors, administrators, and assigns, and shall have effect as if executors, administrators, and assigns were expressed.

(3.) This section applies only to covenants made after the commencement of this Act.

Covenants to extend to heirs, &c.

**59.**—(1.) A covenant, and a contract under seal, and a bond or obligation under seal, though not expressed to bind the heirs, shall operate in law to bind the heirs and real estate, as well as the

CONSTRUCTION AND EFFECT OF DEEDS AND OTHER INSTRUMENTS.

executors and administrators and personal estate, of the person making the same, as if heirs were expressed.

(2.) This section extends to a covenant implied by virtue of this Act.

(3.) This section applies only if and as far as a contrary intention is not expressed in the covenant, contract, bond, or obligation, and shall have effect subject to the terms of the covenant, contract, bond, or obligation, and to the provisions therein contained.

(4.) This section applies only to a covenant, contract, bond, or obligation made or implied after the commencement of this Act.

Effect of covenant with two or more jointly.

**60.**—(1.) A covenant, and a contract under seal, and a bond or obligation under seal, made with two or more jointly, to pay money or to make a conveyance, or to do any other act, to them or for their benefit, shall be deemed to include, and shall, by virtue of this Act, imply, an obligation to do the act to, or for the benefit of, the survivor or survivors of them, and to, or for the benefit of, any other person to whom the right to sue on the covenant, contract, bond, or obligation devolves.

(2.) This section extends to a covenant implied by virtue of this Act.

(3.) This section applies only if and as far as a contrary intention is not expressed in the covenant, contract, bond, or obligation, and shall have effect subject to the covenant, contract, bond, or obligation, and to the provisions therein contained.

(4.) This section applies only to a covenant, contract, bond, or obligation made or implied after the commencement of this Act.

Effect of advance on joint account, &c.

**61.**—(1.) Where in a mortgage, or an obligation for payment of money, or a transfer of a mortgage or of such an obligation, the sum, or any part of the sum, advanced or owing is expressed to be advanced by or owing to more persons than one out of money, or as money, belonging to them on a joint account, or a mortgage, or such an obligation, or such a transfer is made to more persons than one, jointly, and not in shares, the mortgage money, or other money, or money's worth for the time being due to those persons on the mortgage or obligation, shall be deemed to be and remain money or money's worth belonging to those persons on a joint account, as between them and the mortgagor or obligor; and the receipt in writing of the survivors or last survivor of them, or of the personal representatives of the last survivor, shall be a complete discharge for all money or money's worth for the time being due, notwithstanding any notice to the payer of a severance of the joint account.

(2.) This section applies only if and as far as a contrary intention is not expressed in the mortgage, or obligation, or transfer, and shall have effect subject to the terms of the mortgage, or obligation, or transfer, and to the provisions therein contained.

(3.) This section applies only to a mortgage, or obligation, or transfer made after the commencement of this Act.

Grants of easements, &c. by way of use.

**62.**—(1.) A conveyance of freehold land to the use that any person may have, for an estate or interest not exceeding in duration the estate conveyed in the land, any easement, right, liberty, or privilege in, or over, or with respect to that land, or any part thereof, shall operate to vest in possession in that person that ease-

ment, right, liberty, or privilege, for the estate or interest expressed to be limited to him; and he, and the persons deriving title under him, shall have, use, and enjoy the same accordingly. CONSTRUCTION AND EFFECT OF DEEDS AND OTHER INSTRUMENTS.

(2.) This section applies only to conveyances made after the commencement of this Act.

**63.**—(1.) Every conveyance shall, by virtue of this Act, be effectual to pass all the estate, right, title, interest, claim, and demand which the conveying parties respectively have, in, to, or on the property conveyed, or expressed or intended so to be, or which they respectively have power to convey in, to, or on the same. Provision for all the estate, &c.

(2.) This section applies only if and as far as a contrary intention is not expressed in the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.

(3.) This section applies only to conveyances made after the commencement of this Act.

**64.** In the construction of a covenant or proviso, or other provision, implied in a deed by virtue of this Act, words importing the singular or plural number, or the masculine gender, shall be read as also importing the plural or singular number, or as extending to females, as the case may require. Construction of implied covenants.

## XIII.—LONG TERMS. LONG TERMS.

**65.**—(1.) Where a residue unexpired of not less than two hundred years of a term which, as originally created, was for not less than three hundred years, is subsisting in land, whether being the whole land originally comprised in the term, or part only thereof, without any trust or right of redemption affecting the term in favour of the freeholder, or other person entitled in reversion expectant on the term, and without any rent, or with merely a peppercorn rent or other rent having no money value, incident to the reversion, or having had a rent, not being merely a peppercorn rent or other rent having no money value, originally so incident, which subsequently has been released, or has become barred by lapse of time, or has in any other way ceased to be payable, then the term may be enlarged into a fee simple in the manner, and subject to the restrictions, in this section provided. Enlargement of residue of long term into fee simple.

(2.) Each of the following persons (namely):

(i.) Any person beneficially entitled in right of the term, whether subject to any incumbrance or not, to possession of any land comprised in the term; but, in case of a married woman, with the concurrence of her husband, unless she is entitled for her separate use, whether with restraint on anticipation or not, and then without his concurrence;

(ii.) Any person being in receipt of income as trustee, in right of the term, or having the term vested in him in trust for sale, whether subject to any incumbrance or not;

(iii.) Any person in whom, as personal representative of any deceased person, the term is vested, whether subject to any incumbrance or not;

shall, as far as regards the land to which he is entitled, or in which he is interested, in right of the term, in any such character as aforesaid, have power by deed to declare to the effect that, from and

LONG TERMS.

after the execution of the deed, the term shall be enlarged into a fee simple.

(3.) Thereupon, by virtue of the deed and of this Act, the term shall become and be enlarged accordingly, and the person in whom the term was previously vested shall acquire and have in the land a fee simple instead of the term.

(4.) The estate in fee simple so acquired by enlargement shall be subject to all the same trusts, powers, executory limitations over, rights, and equities, and to all the same covenants and provisions relating to user and enjoyment, and to all the same obligations of every kind, as the term would have been subject to if it had not been so enlarged.

(5.) But where any land so held for the residue of a term has been settled in trust by reference to other land, being freehold land, so as to go along with that other land as far as the law permits, and, at the time of enlargement, the ultimate beneficial interest in the term, whether subject to any subsisting particular estate or not, has not become absolutely and indefeasibly vested in any person, then the estate in fee simple acquired as aforesaid shall, without prejudice to any conveyance for value previously made by a person having a contingent or defeasible interest in the term, be liable to be, and shall be, conveyed and settled in like manner as the other land, being freehold land, aforesaid, and until so conveyed and settled shall devolve beneficially as if it had been so conveyed and settled.

(6.) The estate in fee simple so acquired shall, whether the term was originally created without impeachment of waste or not, include the fee simple in all mines and minerals which at the time of enlargement have not been severed in right, or in fact, or have not been severed or reserved by an inclosure Act or award

(7.) This section applies to every such term as aforesaid subsisting at or after the commencement of this Act.

## XIV.—ADOPTION OF ACT.

ADOPTION OF ACT.

Protection of solicitor and trustees adopting Act.

**66.**—(1) It is hereby declared that the powers given by this Act to any person, and the covenants, provisions, stipulations, and words which under this Act are to be deemed included or implied in any instrument, or are by this Act made applicable to any contract for sale or other transaction, are and shall be deemed in law proper powers, covenants, provisions, stipulations, and words, to be given by or to be contained in any such instrument, or to be adopted in connexion with, or applied to, any such contract or transaction; and a solicitor shall not be deemed guilty of neglect or breach of duty, or become in any way liable, by reason of his omitting, in good faith, in any such instrument, or in connexion with any such contract or transaction, to negative the giving, inclusion, implication, or application of any of those powers, covenants, provisions, stipulations, or words, or to insert or apply any others in place thereof, in any case where the provisions of this Act would allow of his doing so.

(2.) But nothing in this Act shall be taken to imply that the insertion in any such instrument, or the adoption in connexion

with, or the application to, any contract or transaction, of any further or other powers, covenants, provisions, stipulations, or words is improper. ADOPTION OF ACT.

(3.) Where the solicitor is acting for trustees, executors, or other persons in a fiduciary position those persons shall also be protected in like manner.

(4.) Where such persons are acting without a solicitor, they shall also be protected in like manner.

## XV.—MISCELLANEOUS.

MISCELLANEOUS.

**67.**—(1.) Any notice required or authorized by this Act to be served shall be in writing. Regulations respecting notice.

(2.) Any notice required or authorized by this Act to be served on a lessee or mortgagor shall be sufficient, although only addressed to the lessee or mortgagor by that designation, without his name, or generally to the persons interested, without any name, and notwithstanding that any person to be affected by the notice is absent, under disability, unborn, or unascertained.

(3.) Any notice required or authorized by this Act to be served shall be sufficiently served if it is left at the last-known place of abode or business in the United Kingdom of the lessee, lessor, mortgagee, mortgagor, or other person to be served, or, in case of a notice required or authorized to be served on a lessee or mortgagor, is affixed or left for him on the land or any house or building comprised in the lease or mortgage, or, in case of a mining lease, is left for the lessee at the office or counting-house of the mine.

(4.) Any notice required or authorized by this Act to be served shall also be sufficiently served, if it is sent by post in a registered letter addressed to the lessee, lessor, mortgagee, mortgagor, or other person to be served, by name, at the aforesaid place of abode or business, office, or counting-house, and if that letter is not returned through the post office undelivered; and that service shall be deemed to be made at the time at which the registered letter would in the ordinary course be delivered.

(5.) This section does not apply to notices served in proceedings in the Court.

**68.** The Act described in Part II. of the First Schedule to this Act shall, by virtue of this Act, have the short title of the Statutory Declarations Act, 1835, and may be cited by that short title in any declaration made for any purpose under or by virtue of that Act, or in any other document, or in any Act of Parliament Short title of 5 & 6 Will. 4. c. 62.

## XVI.—COURT; PROCEDURE; ORDERS.

COURT; PROCEDURE; ORDERS.

**69.**—(1.) All matters within the jurisdiction of the Court under this Act shall, subject to the Acts regulating the Court, be assigned to the Chancery Division of the Court. Regulations respecting payments into court and applications.

(2.) Payment of money into Court shall effectually exonerate therefrom the person making the payment.

(3.) Every application to the Court shall, except where it is otherwise expressed, be by summons at Chambers.

COURT; PROCEDURE; ORDERS.

(4.) On an application by a purchaser notice shall be served in the first instance on the vendor.

(5.) On an application by a vendor notice shall be served in the first instance on the purchaser.

(6.) On any application notice shall be served on such persons, if any, as the Court thinks fit.

(7.) The Court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges, or expenses of all or any of the parties to any application.

(8.) General Rules for purposes of this Act shall be deemed Rules of Court within section seventeen of the Appellate Jurisdiction Act, 1876, and may be made accordingly.

39 & 40 Vict. c. 59 s. 17.

(9.) The powers of the Court may, as regards land in the County Palatine of Lancaster, be exercised also by the Court of Chancery of the County Palatine; and Rules for regulating proceedings in that Court shall be from time to time made by the Chancellor of the Duchy of Lancaster, with the advice and consent of a Judge of the High Court acting in the Chancery Division, and of the Vice-Chancellor of the County Palatine.

(10.) General Rules, and Rules of the Court of Chancery of the County Palatine, under this Act may be made at any time after the passing of this Act, to take effect on or after the commencement of this Act.

Orders of Court conclusive

**70.**—(1.) An order of the Court under any statutory or other jurisdiction shall not, as against a purchaser, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice, or service, whether the purchaser has notice of any such want or not.

(2.) This section shall have effect with respect to any lease, sale, or other act under the authority of the Court, and purporting to be in pursuance of the Settled Estates Act, 1877, notwithstanding the exception in section forty of that Act, or to be in pursuance of any former Act repealed by that Act, notwithstanding any exception in such former Act.

40 & 41 Vict. c. 18. s. 40.

(3.) This section applies to all orders made before or after the commencement of this Act, except any order which has before the commencement of this Act been set aside or determined to be invalid on any ground, and except any order as regards which an action or proceeding is at the commencement of this Act pending for having it set aside or determined to be invalid.

REPEALS.

## XVII.—REPEALS.

Repeal of enactments in Part III. of Second Schedule; restriction on all repeals.

**71.**—(1.) The enactments described in Part III. of the Second Schedule to this Act are hereby repealed.

(2.) The repeal by this Act of any enactment shall not affect the validity or invalidity, or any operation, effect, or consequence, of any instrument executed or made, or of anything done or suffered, before the commencement of this Act, or any action, proceeding, or thing then pending or uncompleted; and every such action, proceeding, and thing may be carried on and completed as if there had been no such repeal in this Act; but this provision shall not be

construed as qualifying the provision of this Act relating to section forty of the Settled Estates Act, 1877, or any former Act repealed by that Act. REPEALS.

## XVIII.—IRELAND. IRELAND.

**72.**—(1.) In the application of this Act to Ireland the foregoing provisions shall be modified as in this section provided. Modifications respecting Ireland.

(2.) The Court shall be Her Majesty's High Court of Justice in Ireland.

(3.) All matters within the jurisdiction of that Court shall, subject to the Acts regulating that Court, be assigned to the Chancery Division of that Court; but General Rules under this Act may direct that any of those matters be assigned to the Land Judges of that Division.

(4.) The proper office of the Supreme Court of Judicature in Ireland shall be substituted for the central office of the Supreme Court of Judicature.

(5.) General Rules for purposes of this Act for Ireland shall be deemed Rules of Court within the Supreme Court of Judicature Act (Ireland), 1877, and may be made accordingly, at any time after the passing of this Act, to take effect on or after the commencement of this Act. 40 & 41 Vict. c. 57. s 69.

**73.**—(1.) Section five of the Vendor and Purchaser Act, 1874, is hereby repealed from and after the commencement of this Act, as regards cases of death thereafter happening; and section seven of the Vendor and Purchaser Act, 1874, is hereby repealed as from the date at which it came into operation. Death of bare trustee intestate, &c. 37 & 38 Vict. c. 78.

(2.) This section extends to Ireland only.

# SCHEDULES.

## THE FIRST SCHEDULE.

### ACTS AFFECTED.

### PART I.

1 & 2 Vict. c. 110.—An Act for abolishing arrest on mesne process in civil actions, except in certain cases; for extending the remedies of creditors against the property of debtors; and for amending the laws for the relief of insolvent debtors in England.

2 & 3 Vict. c. 11.—An Act for the better protection of purchasers against judgments, crown debts, lis pendens, and fiats in bankruptcy.

18 & 19 Vict. c. 15.—An Act for the better protection of purchasers against judgments, crown debts, cases of lis pendens, and life annuities or rentcharges.

22 & 23 Vict. c. 35.—An Act to further amend the law of property and to relieve trustees.

23 & 24 Vict. c. 38.—An Act to further amend the law of property.

23 & 24 Vict. c. 115.—An Act to simplify and amend the practice as to the entry of satisfaction on Crown debts and on judgments.

27 & 28 Vict. c. 112.—An Act to amend the law relating to future judgments, statutes, and recognizances.

28 & 29 Vict. c. 104.—The Crown Suits, &c. Act, 1865.

31 & 32 Vict. c. 54.—The Judgments Extension Act, 1868.

PART II.

5 & 6 Will. 4. c. 62.—An Act to repeal an Act of the present session of Parliament, intituled "An Act for the more effectual abolition of oaths and affirmations taken and made in various Departments of the State, and to substitute declarations in lieu thereof; and for the more entire suppression of voluntary and extra-judicial oaths and affidavits;" and to make other provisions for the abolition of unnecessary oaths.

## THE SECOND SCHEDULE.

### REPEALS.

A description or citation of a portion of an Act is inclusive of the words, section, or other part, first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

PART I.

| | | |
|---|---|---|
| 22 & 23 Vict. c. 35. in part. | An Act to further amend the law of property and to relieve trustees - Sections four to nine. | in part; namely,— |
| 23 & 24 Vict. c. 126. in part. | The Common Law Procedure Act, 1860 - - - - Section two. | in part; namely,— |

PART II.

| | | |
|---|---|---|
| 15 & 16 Vict. c. 86. in part. | An Act to amend the practice and course of proceeding in the High Court of Chancery - - Section forty-eight. | in part; namely,— |

PART III.

| | | |
|---|---|---|
| 8 & 9 Vict. c. 119. | An Act to facilitate the conveyance of real property. | |
| 23 & 24 Vict. c. 145. in part. | An Act to give to trustees, mortgagees, and others certain powers now commonly inserted in settlements, mortgages, and wills - Parts II. and III. (sections eleven to thirty). | in part; namely,— |

## THE THIRD SCHEDULE.

### STATUTORY MORTGAGE.

PART I.

*Deed of Statutory Mortgage.*

THIS INDENTURE made by way of statutory mortgage the day of 1882 between *A.* of [*&c.*] of the one part and *M.* of [*&c.*] of the other part WITNESSETH that in consideration of the sum of £ now paid to *A.* by *M.* of which sum *A.* hereby acknowledges the receipt *A.* as mortgagor and as beneficial owner hereby conveys to *M.* All that [*&c.*] To hold to and to the use of *M.* in fee simple for securing payment on the day of 1883 of the principal sum of £ as the mortgage money with interest thereon at the rate of [*four*] per centum per annum.

In witness &c.

*** *Variations in this and subsequent forms to be made, if required, for leasehold land, or other matter.*

## Part II.

### (A.)

*Deed of Statutory Transfer, Mortgagor not joining.*

This Indenture made by way of statutory transfer of mortgage the day of 1883 between *M.* of [*&c.*] of the one part and *T.* of [*&c.*] of the other part supplemental to an indenture made by way of statutory mortgage dated the day of 1882 and made between [*&c.*] Witnesseth that in consideration of the sum of £ now paid to *M.* by *T.* being the aggregate amount of £ mortgage money and £ interest due in respect of the said mortgage of which sum *M.* hereby acknowledges the receipt *M.* as mortgagee hereby conveys and transfers to *T.* the benefit of the said mortgage.

In witness &c.

### (B.)

*Deed of Statutory Transfer, a Covenantor joining.*

This Indenture made by way of statutory transfer of mortgage the day of 1883 between *A.* of [*&c.*] of the first part *B.* of [*&c.*] of the second part and *C.* of [*&c.*] of the third part supplemental to an indenture made by way of statutory mortgage dated the day of 1882 and made between [*&c.*] Witnesseth that in consideration of the sum of £ now paid to *A.* by *C.* being the mortgage money due in respect of the said mortgage no interest being now due and payable thereon of which sum *A.* hereby acknowledges the receipt *A.* as mortgagee with the concurrence of *B.* who joins herein as covenantor hereby conveys and transfers to *C.* the benefit of the said mortgage.

In witness &c.

### (C.)

*Statutory Transfer and Statutory Mortgage combined.*

This Indenture made by way of statutory transfer of mortgage and statutory mortgage the day of 1883 between *A.* of [*&c.*] of the 1st part *B.* of [*&c.*] of the 2nd part and *C.* of [*&c.*] of the 3rd part supplemental to an indenture made by way of statutory mortgage dated the day of 1882 and made between [*&c.*] Whereas the principal sum of £ only remains due in respect of the said mortgage as the mortgage money and no interest is now due and payable thereon And whereas *B.* is seised in fee simple of the land comprised in the said mortgage subject to that mortgage Now this Indenture witnesseth that in consideration of the sum of £ now paid to *A.* by *C.* of which sum *A.* hereby acknowledges the receipt and *B.* hereby acknowledges the payment and receipt as aforesaid* *A.* as mortgagee hereby conveys and transfers to *C.* the benefit of the said mortgage And this Indenture also witnesseth that for the same consideration *A.* as mortgagee and according to his estate and by direction of *B.* hereby conveys and *B.* as beneficial owner hereby conveys and confirms to *C.* All that [*&c.*] To hold to and to the use of *C.* in fee simple for securing payment on the day of 1882 of† the sum of £ as the mortgage money with interest thereon at the rate of [*four*] per centum per annum.

In witness &c.

[*Or, In case of further advance, after* aforesaid *at* * *insert* and also in consideration of the further sum of £ now paid by *C.* to *B.* of which sum *B.* hereby acknowledges the receipt, *and after* of *at* † *insert* the sums of £ and £ making together]

*** *Variations to be made, as required, in case of the deed being made by indorsement, or in respect of any other thing.*

PART III.

*Deed of Statutory Re-conveyance of Mortgage.*

THIS INDENTURE made by way of statutory re-conveyance of mortgage the day of 1884 between *C.* of [*&c.*] of the one part and *B.* of [*&c.*] of the other part supplemental to an indenture made by way of statutory transfer of mortgage dated the day of 1883 and made between [*&c.*] WITNESSETH that in consideration of all principal money and interest due under that indenture having been paid of which principal and interest *C.* hereby acknowledges the receipt *C.* as mortgagee hereby conveys to *B.* all the lands and hereditaments now vested in *C.* under the said indenture To hold to and to the use of *B.* in fee simple discharged from all principal money and interest secured by and from all claims and demands under the said indenture.

In witness &c.

*** *Variations as noted above.*

## THE FOURTH SCHEDULE.

### SHORT FORMS OF DEEDS.

#### I.—*Mortgage.*

THIS INDENTURE OF MORTGAGE made the day of 1882 between *A.* of [*&c.*] of the one part and *B.* of [*&c.*] and *C.* of [*&c.*] of the other part WITNESSETH that in consideration of the sum of £ paid to *A.* by *B.* and *C.* out of money belonging to them on a joint account of which sum *A.* hereby acknowledges the receipt *A.* hereby covenants with *B.* and *C.* to pay to them on the day of 1882 the sum of £ with interest thereon in the meantime at the rate of [*four*] per centum per annum and also as long after that day as any principal money remains due under this mortgage to pay to *B.* and *C.* interest thereon at the same rate by equal half-yearly payments on the day of and the day of AND THIS INDENTURE ALSO WITNESSETH that for the same consideration *A.* as beneficial owner hereby conveys to *B.* and *C.* All that [*&c.*] To hold to and to the use of *B.* and *C.* in fee simple subject to the proviso for redemption following (namely) that if *A.* or any person claiming under him shall on the day of 1882 pay to *B.* and *C.* the sum of £ and interest thereon at the rate aforesaid then *B.* and *C.* or the persons claiming under them will at the request and cost of *A.* or the persons claiming under him re-convey the premises to *A.* or the persons claiming under him AND *A.* hereby covenants with *B.* as follows [*here add covenant as to fire insurance or other special covenant required*].

In witness, &c.

#### II.—*Further Charge.*

THIS INDENTURE made the day of 18 between [*the same parties as the foregoing mortgage*] and supplemental to an indenture of mortgage dated the day of 18 and made between the same parties for securing the sum of £ and interest at [*four*] per centum per annum on property at [*&c.*] WITNESSETH that in consideration of the further sum of £ paid to *A.* by *B.* and *C.* out of money belonging to them on a joint account [*add receipt and covenant as in the foregoing mortgage*] and further that all the property comprised in the before-mentioned indenture of mortgage shall stand charged with the payment to *B.* and *C.* of the sum of £ and the interest thereon herein-before covenanted to be paid as well as the sum of £ and interest secured by the same indenture.

In witness, &c.

#### III.—*Conveyance on Sale.*

THIS INDENTURE made the day of 1883 between *A.* of [*&c.*] of the 1st part *B.* of [*&c.*] and *C.* of [*&c.*] of the 2nd part and *M.* of [*&c.*] of the 3rd part WHEREAS by an indenture dated [*&c.*] and made between

[*&c.*] the lands herein-after mentioned were conveyed by *A.* to *B.* and *C.* in fee simple by way of mortgage for securing £ and interest and by a supplemental indenture dated [*&c.*] and made between the same parties those lands were charged by *A.* with the payment to *B.* and *C.* of the further sum of £ and interest thereon AND WHEREAS a principal sum of £ remains due under the two before-mentioned indentures but all interest thereon has been paid as *B.* and *C.* hereby acknowledge NOW THIS INDENTURE WITNESSETH that in consideration of the sum of £ paid by the direction of *A.* to *B.* and *C.* and of the sum of £ paid to *A.* those two sums making together the total sum of £ paid by *M.* for the purchase of the fee simple of the lands herein-after mentioned of which sum of £ *B.* and *C.* hereby acknowledge the receipt and of which total sum of £ *A.* hereby acknowledges the payment and receipt in manner before mentioned *B.* and *C.* as mortgagees and by the direction of *A.* as beneficial owner hereby convey and *A.* as beneficial owner hereby conveys and confirms to *M.* All that [*&c.*] To hold to and to the use of *M.* in fee simple discharged from all money secured by and from all claims under the before-mentioned indentures [*Add, if required,* And *A.* hereby acknowledges the right of *M.* to production of the documents of title mentioned in the Schedule hereto and to delivery of copies thereof and hereby undertakes for the safe custody thereof].

In witness, &c.

[The Schedule above referred to.

*To contain list of documents retained by A.*]

### IV.—*Marriage Settlement.*

THIS INDENTURE made the day of 1882 between *John M.* of [*&c.*] of the 1st part *Jane S.* of [*&c.*] of the 2nd part and *X.* of [*&c.*] and *Y.* of [*&c.*] of the 3rd part WITNESSETH that in consideration of the intended marriage between *John M.* and *Jane S. John M.* as settlor hereby conveys to *X.* and *Y.* All that [*&c.*] To hold to *X.* and *Y.* in fee simple to the use of *John M.* in fee simple until the marriage and after the marriage to the use of *John M.* during his life without impeachment of waste with remainder after his death to the use that *Jane S.* if she survives him may receive during the rest of her life a yearly jointure rentcharge of £ to commence from his death and to be paid by equal half-yearly payments the first thereof to be made at the end of six calendar months from his death if she is then living or if not a proportional part to be paid at her death and subject to the before-mentioned rentcharge to the use of *X.* and *Y.* for a term of five hundred years without impeachment of waste on the trusts herein-after declared and subject thereto to the use of the first and other sons of *John M.* and *Jane S.* successively according to seniority in tail male with remainder [*insert here, if thought desirable,* to the use of the same first and other sons successively according to seniority in tail with remainder] to the use of all the daughters of *John M.* and *Jane S.* in equal shares as tenants in common in tail with cross remainders between them in tail with remainder to the use of *John M.* in fee simple. [*Insert trusts of term of 500 years for raising portions; also, if required, power to charge jointure and portions on a future marriage; also powers of sale, exchange, and partition, and other powers and provisions, if and as desired.*]

In witness, &c.

## CHAPTER 42.

### An Act to suspend for a limited period, on account of Corrupt Practices, the holding of an Election of a Member or Members to serve in Parliament for certain cities and boroughs. [22nd August 1881.]

WHEREAS, in pursuance of addresses to Her Majesty from both Houses of Parliament in relation to elections of members to serve in Parliament for the cities and boroughs mentioned in the

schedule to this Act, commissioners were appointed by commissions, dated the ninth day of September one thousand eight hundred and eighty, for the purpose of making inquiry into the existence of corrupt practices at the elections of members to serve in Parliament for the said cities and boroughs:

And whereas the said commissioners have respectively reported as regards the existence of corrupt practices to the effect in the second column of the said schedule mentioned:

And whereas it is expedient, with a view to the future consideration of the cases by Parliament, to provide temporarily for the suspension of elections in the said cities and boroughs:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Corrupt Practices (Suspension of Elections) Act, 1881.

Suspension of elections in certain cities and boroughs.

2. An election of a member or members to serve in Parliament for any of the cities or boroughs mentioned in the schedule to this Act shall not be held until the expiration of seven days after the meeting of Parliament in the year one thousand eight hundred and eighty-two.

## SCHEDULE.

CITIES AND BOROUGHS REFERRED TO.

| Name of City or Borough. | Report of Commissioners as to prevalence of corrupt practices. |
|---|---|
| Boston - - | Corrupt practices prevailed very extensively at the election of 1880. . . . . It was stated as an undoubted fact that all elections, both parliamentary and municipal, have for a long time past been corrupt. |
| Canterbury - | Corrupt practices extensively prevailed at the elections of 1879 and 1880. |
| Chester - - | Corrupt practices extensively prevailed at the general elections of February 1874 and of April 1880. |
| Gloucester - | Corrupt practices extensively prevailed at the elections in February 1874 and March 1880. |
| Macclesfield - | Corrupt practices extensively prevailed at the elections of 1865, 1868, 1874, and 1880 |
| Oxford - - | Corrupt practices were committed at the election in February 1874, and corrupt practices extensively prevailed at the elections in March 1874, April 1880, and May 1880, by way of payment of money to voters as therein mentioned. |
| Sandwich - | In the election of May 1880, there was practised throughout the constituency, not only indirect bribery of various kinds, but direct bribery, the most extensive and systematic. . . . . Electoral corruption has long extensively prevailed in the borough |

# CHAPTER 43.

An Act to extend the Superannuation Act Amendment Act, 1873, to certain persons admitted into subordinate situations in the departments of the Postmaster-General, and the Commissioners of Her Majesty's Works and Public Buildings. [22nd August 1881.]

WHEREAS by the Superannuation Act, 1859, it is enacted that for the purposes of that Act no person thereafter to be appointed shall be deemed to have served in the permanent Civil Service of the State unless such person holds his appointment directly from the Crown or has been admitted into the Civil Service with a certificate from the Civil Service Commissioners, and that a person appointed before the passing of that Act to an office shall not be held to have served in the permanent Civil Service as aforesaid, unless such person belonged to a class which was at the passing of the Act entitled to superannuation allowance or to such other class as therein mentioned: 22 Vict. c. 26.

And whereas in several public departments of the State persons not belonging to the said classes were appointed after the passing of the said Act, and before the fourth day of June one thousand eight hundred and seventy, to established situations in the Civil Service, but through inadvertence on the part of the heads of such departments, and without any default on the part of the persons so appointed, no steps were taken before their appointment to procure for them certificates from the Civil Service Commissioners, and the Superannuation Act Amendment Act, 1873, was passed to relieve such persons, and authorised the Commissioners of Her Majesty's Treasury at any time before the first day of January one thousand eight hundred and seventy-four, upon application being made by the head of a public department, to declare that any such person as above mentioned should be in the same position as if he had been admitted into the Civil Service with a certificate from the Civil Service Commissioners: 36 & 37 Vict. c. 23.

And whereas since the said first day of January one thousand eight hundred and seventy-four it has been discovered that certain persons appointed before the said fourth day of June one thousand eight hundred and seventy to subordinate situations in the departments of the Postmaster-General and of the Commissioners of Her Majesty's Works and Public Buildings were, without any default on the part of such persons, omitted from the applications authorised to be made to the Treasury by the Superannuation Act Amendment Act, 1873, and it is unjust that such persons should be deprived of the benefits of that Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Superannuation Act, 1881. Short title.

2. The Superannuation Act Amendment Act, 1873, shall apply to the several persons appointed as aforesaid to subordinate situations in the departments of the Postmaster-General and of the Extension of 36 & 37 Vict. c. 23.

Commissioners of Her Majesty's Works and Public Buildings, but not further or otherwise, in like manner as if it were herein re-enacted, with the substitution of one thousand eight hundred and eighty-two for one thousand eight hundred and seventy-four.

## CHAPTER 44.

An Act for making better provision respecting the Remuneration of Solicitors in Conveyancing and other non-contentious Business. [22nd August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

Short title; extent; interpretation.

**1.**—(1.) This Act may be cited as the Solicitors Remuneration Act, 1881.

(2.) This Act does not extend to Scotland.

(3.) In this Act—

"Solicitor" means a solicitor or proctor qualified according to the statutes in that behalf:

"Client" includes any person who, as a principal, or on behalf of another, or as trustee or executor, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs, or is about to retain or employ, a solicitor, and any person for the time being liable to pay to a solicitor, for his services, any costs, remuneration, charges, expenses, or disbursements:

"Person" includes a body of persons corporate or unincorporate:

"Incorporated Law Society" means, in England, the society referred to under that title in the Act passed in the session of the twenty-third and twenty-fourth years of Her Majesty's reign, intituled "An Act to amend the Laws relating to "Attorneys, Solicitors, Proctors, and Certificated Convey-"ancers"; and, in Ireland, the society referred to under that title in the Attorneys and Solicitors Act, Ireland, 1866:

29 & 30 Vict. c. 84.

"Provincial law societies or associations" means all bodies of solicitors in England incorporated by Royal Charter, or under the Joint Stock Companies Act, other than the Incorporated Law Society above mentioned.

*General Orders.*

Power to make General Orders for remuneration in conveyancing, &c.

**2.** In England, the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, and the president for the time being of the Incorporated Law Society, and the president of one of the provincial law societies or associations, to be selected and nominated from time to time by the Lord Chancellor to serve during the tenure of office of such president, or any three of them, the Lord Chancellor being one, and, in Ireland, the Lord Chancellor, the Lord Chief Justice of Ireland, the Master of the Rolls, and the

president for the time being of the Incorporated Law Society, or any three of them, the Lord Chancellor being one, may from time to time make any such General Order as to them seems fit for prescribing and regulating the remuneration of solicitors in respect of business connected with sales, purchases, leases, mortgages, settlements, and other matters of conveyancing, and in respect of other business not being business in any action, or transacted in any Court, or in the Chambers of any Judge or Master, and not being otherwise contentious business, and may revoke or alter any such Order.

Communication to Incorporated Law Society.

**3.** One month at least before any such General Order shall be made, the Lord Chancellor shall cause a copy of the regulations and provisions proposed to be embodied therein to be communicated in writing to the Council of the Incorporated Law Society, who shall be at liberty to submit such observations and suggestions in writing as they may think fit to offer thereon; and the Lord Chancellor, and the other persons hereby authorised to make such Order, shall take into consideration any such observations or suggestions which may be submitted to them by the said Council within one month from the day on which such communication to the said Council shall have been made as aforesaid, and, after duly considering the same, may make such Order, either in the form or to the effect originally communicated to the said Council, or with such alterations, additions, or amendments, as to them may seem fit.

Principles of remuneration.

**4.** Any General Order under this Act may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or per-centage, varying or not in different classes of business, or by a gross sum, or by a fixed sum for each document prepared or perused, without regard to length, or in any other mode, or partly in one mode and partly in another, or others, and may, as regards the amount of the remuneration, regulate the same with reference to all or any of the following, among other, considerations; (namely,)

The position of the party for whom the solicitor is concerned in any business, that is, whether as vendor or as purchaser, lessor or lessee, mortgagor or mortgagee, and the like:

The place, district, and circumstances at or in which the business or part thereof is transacted:

The amount of the capital money or of the rent to which the business relates:

The skill, labour, and responsibility involved therein on the part of the solicitor:

The number and importance of the documents prepared or perused, without regard to length:

The average or ordinary remuneration obtained by solicitors in like business at the passing of this Act.

Security for costs, and interest on disbursements.

**5.** Any General Order under this Act may authorise and regulate the taking by a solicitor from his client of security for future remuneration in accordance with any such Order, to be ascertained by taxation or otherwise, and the allowance of interest.

Order to be laid before Houses of Parliament;

**6.**—(1.) Any General Order under this Act shall not take effect unless and until it has been laid before each House of Parliament, and one month thereafter has elapsed.

disallowance on address.

(2.) If within that month an address is presented to the Queen by either House, seeking the disallowance of the Order, or part thereof, it shall be lawful for Her Majesty, by Order in Council, to disallow the Order, or that part, and the Order or part disallowed shall not take effect.

Effect of Order as to taxation.

**7.** As long as any General Order under this Act is in operation, the taxation of bills of costs of solicitors shall be regulated thereby.

*Agreements.*

Power for solicitor and client to agree on form and amount of remuneration.

**8.**—(1.) With respect to any business to which the foregoing provisions of this Act relate, whether any General Order under this Act is in operation or not, it shall be competent for a solicitor to make an agreement with his client, and for a client to make an agreement with his solicitor, before or after or in the course of the transaction of any such business, for the remuneration of the solicitor, to such amount and in such manner as the solicitor and the client think fit, either by a gross sum, or by commission or per-centage, or by salary, or otherwise; and it shall be competent for the solicitor to accept from the client, and for the client to give to the solicitor, remuneration accordingly.

(2.) The agreement shall be in writing, signed by the person to be bound thereby or by his agent in that behalf.

(3.) The agreement may, if the solicitor and the client think fit, be made on the terms that the amount of the remuneration therein stipulated for either shall include or shall not include all or any disbursements made by the solicitor in respect of searches, plans, travelling, stamps, fees, or other matters.

(4.) The agreement may be sued and recovered on or impeached and set aside in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor; and if, under any order for taxation of costs, such agreement being relied upon by the solicitor shall be objected to by the client as unfair or unreasonable, the taxing master or officer of the Court may inquire into the facts, and certify the same to the Court; and if, upon such certificate, it shall appear to the Court or judge that just cause has been shown either for cancelling the agreement, or for reducing the amount payable under the same, the Court or judge shall have power to order such cancellation or reduction, and to give all such directions necessary or proper for the purpose of carrying such order into effect, or otherwise consequential thereon, as to the Court or judge may seem fit.

Restriction on Solicitors Act, 1870. 33 & 34 Vict. c. 28.

**9.** The Attorneys and Solicitors Act, 1870, shall not apply to any business to which this Act relates.

## CHAPTER 45.

An Act to amend the Pedlars Act, 1871, as regards the district within which a certificate authorises a person to act as Pedlar. [22nd August 1881.]

34 & 35 Vict. c. 96.

WHEREAS by the Pedlars Act, 1871, it is provided that any pedlar who has obtained a pedlar's certificate desires to act as a pedlar in any other police district than that in which the

certificate is taken out must obtain an indorsement of such certificate by the chief officer of police of such other district:

And whereas it is expedient to remove the necessity for such indorsement:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Pedlars Act, 1881.

This Act and the Pedlars Act, 1871, may be cited together as the Pedlars Acts, 1871 and 1881.

Alteration of 34 & 35 Vict. c. 96. so far as regards requiring indorsement of a pedlar's certificate.

**2.** A pedlar's certificate granted under the Pedlars Act, 1871, shall during the time for which it continues in force authorise the person to whom it is granted to act as a pedlar within any part of the United Kingdom.

The Pedlars Certificate Act, 1871, is repealed to the extent in the third column of the schedule to this Act mentioned.

## SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act in this schedule is inclusive of the word, section, or other part first and last mentioned or otherwise referred to as forming the beginning, or as forming the end, of the portion described in the description or citation.

| Session and Chapter. | Title. | Extent of Repeal. |
|---|---|---|
| 34 & 35 Vict. c. 96. | The Pedlars Act, 1871. | Section four, from "or acts as a pedlar in any district" down to "this Act"; section six from "a pedlar's certificate" down to "taken out"; section seven; in section eight the words "and of the indorsement of certificates" and the words "and made"; section twelve so far as it relates to an indorsement, and section fifteen so far as it relates to an indorsement. |

# CHAPTER 46.

## An Act to amend the Patriotic Fund Act, 1867, and make further provision respecting certain Funds administered by the same Commissioners as the Patriotic Fund.

[22nd August 1881.]

WHEREAS the fund called the Patriotic Fund has been administered in accordance with commissions from Her Majesty (the original commission having been dated the seventh day of October one thousand eight hundred and fifty-four, and the supplementary commission having been dated the twenty-sixth day of March one thousand eight hundred and sixty-eight), and in accord

30 & 31 Vict. c. 98.

ance with the Patriotic Fund Act, 1867, and has been so administered by the Commissioners and the executive committee appointed by them in pursuance of the said commissions:

And whereas the Commissioners appropriated the Patriotic Fund for divers purposes, and among others for the erection and endowment of a girls school known as the Royal Victoria Patriotic Asylum for Girls, and for the partial endowment of a boys school known as the Royal Victoria Patriotic Asylum for Boys, and purchased land and erected thereon the said girls school and boys school, and such appropriations were confirmed by the Patriotic Fund Act, 1867:

And whereas, in pursuance of the said Act, Her Majesty by the said supplementary commission directed the Commissioners to apply the Patriotic Fund (subject to the appropriations above mentioned), in such manner as the Commissioners might think fit, for the purposes mentioned in section five of the said Act, and further directed that the fund known as the Rodriguez Fund should be applied for the like purposes as the Patriotic Fund:

And whereas the Commissioners have undertaken to apply to the Charity Commissioners for England and Wales for a scheme under

32 & 33 Vict. c. 56.

the Endowed Schools Act, 1869, to deal with the government of the girls school known as the Royal Victoria Patriotic Asylum for Girls, and with such portion of the Patriotic Fund as has been appropriated for the endowment thereof:

And whereas it is expedient to authorise the sale of the boys school known as the Royal Victoria Patriotic Asylum for Boys, and to make such other provision with respect to the said Commissioners and the Patriotic Fund and Rodriguez Fund as is hereinafter contained:

And whereas the said Commissioners have accepted the administration of the funds mentioned in the schedule to this Act, and it is expedient to make further provision respecting those funds:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Patriotic Fund Act, 1881.

Authority to sell boys school.

**2.** The Commissioners of the Patriotic Fund may agree to sell the boys school known as the Royal Victoria Patriotic Asylum for Boys, and the land appropriated thereto, in such manner as they think expedient, and the official trustees of the Patriotic Fund within the meaning of the Patriotic Fund Act, 1867, may convey the same to the purchaser, and the conveyance by the said official trustees and their receipt for the purchase money shall be conclusive evidence in favour of the purchaser and all persons claiming through him that the sale of the property comprised in the conveyance was authorised by and duly made in pursuance of this Act, and that the purchase money was duly paid; and the purchaser shall not inquire into the legality of the sale or into the application of the purchase money, or be responsible for the non-application or misapplication thereof.

The said purchase money and also the part of the endowment appropriated for the boys school shall be carried to and form part

of the Patriotic Fund, and be applicable for the purposes to which the rest of that fund is for the time being applicable.

Filling up vacancies among Commissioners.

**3.** It shall be lawful for Her Majesty from time to time by warrant under Her Sign Manual to appoint any person to fill any vacancy among the Commissioners of the Patriotic Fund which has arisen either before or after the passing of this Act from death, resignation, or otherwise, and all persons so appointed shall be Commissioners of the Patriotic Fund, in like manner as if they were named in the above-recited commissions or in any supplemental commission issued after the passing of this Act.

Provision as to application of funds administered by the Patriotic Fund Commissioners.

**4.** It shall be lawful for Her Majesty from time to time, by supplemental commission under Her Royal Sign Manual, to direct the Commissioners of the Patriotic Fund to apply the Patriotic Fund and the income and accumulations thereof or any parts thereof (so far as not appropriated for the Royal Victoria Patriotic Asylum for Girls and for the purposes mentioned in the schedule to the Patriotic Fund Act, 1867, and so far as not required to meet liabilities and claims existing prior to the date of such commission) for such purposes for the benefit of the widows and children of officers and men of Her Majesty's military and naval forces, and in such manner as may be directed by the said commission, and so far as any direction in the commission does not extend, as the Commissioners from time to time think expedient.

This section shall apply to the Rodriguez Fund and to any surplus of the funds mentioned in the schedule to this Act which remains after providing for the special trusts of those funds in like manner as if such Rodriguez Fund and surplus formed part of the Patriotic Fund.

30 & 31 Vict. c. 98.

Sections six to twenty (both inclusive) of the Patriotic Fund Act, 1867, shall apply to all the funds mentioned in this section in like manner as if they were herein re-enacted, and as if the supplemental commission mentioned in these sections referred to any supplemental commission issued in pursuance of this Act, and as if the references in those sections to the said Act or to any section thereof referred to this section, and as if in the said sections as so re-enacted the Rodriguez Fund and the funds mentioned in the schedule to this Act, and any funds the administration of which may hereafter be accepted by the Commissioners of the Patriotic Fund, were specified as well as the Patriotic Fund: Provided that no transfer need be made under section eleven as so re-enacted of any funds already transferred to the official trustees of the Patriotic Fund, and that the account to be kept by the Paymaster-General under section fourteen shall be such as the Commissioners of Her Majesty's Treasury from time to time direct.

Approval of Treasury to pension under 30 & 31 Vict. c. 98. s. 19.

**5.** The Commissioners of the Patriotic Fund, before submitting to Her Majesty, under the Patriotic Fund Act, 1867, or this Act, any award of a pension or retiring allowance to any person employed by the Commissioners, shall obtain the approval of the Commissioners of Her Majesty's Treasury to such award.

## SCHEDULE.

| Fund. | Circumstances of Fund. |
|---|---|
| Captain Fund - | This fund is administered under a trust deed of the 26th October 1871, which, after setting out the trusts of the fund, provides that any surplus shall be applied in relief of widows, children, or parents of officers, petty officers, non-commissioned officers, seamen, and marines of Her Majesty's Navy. |
| Royal Naval Relief Fund. | This fund is administered under a commission from Her Majesty, dated the 7th June 1875, for the immediate relief of any special objects of destitution arising among the widows, orphans, and other relatives of deceased officers, sailors, and marines who have served in the Navy. |
| Eurydice Fund - | This fund is administered under a trust deed dated the 19th November 1878, which, after setting out the trusts of the fund, provides that any surplus shall be transferred to the Royal Naval Relief Fund. |
| Zulu War Fund - | This fund is administered under a Royal Warrant dated the 22nd August 1879, which provides that, subject to the special trusts therein mentioned, the fund shall be administered as Her Majesty may from time to time direct. |
| Atalanta Fund - | This fund is administered under a trust deed dated the eleventh day of July 1881, which sets forth the trust of the fund, and provides that any surplus shall be paid to the Royal Naval Relief Fund. |

# CHAPTER 47.

## An Act to amend the Law as regards the Presumption of Life in persons long absent from Scotland.

[22nd August 1881.]

WHEREAS great hardships have arisen from the want of any limitation to the presumption of life as regards persons who have been absent from Scotland or have disappeared for long periods of years, and it is desirable that a limitation should be provided:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Presumption of life limited to seven years as regards income.

1. In the case of any person who has been absent from Scotland, or who has disappeared, for a period of seven years or upwards, and who has not been heard of for seven years, and who at the time of his leaving or disappearance was possessed of or entitled to heritable or movable estate in Scotland, or who has become entitled to such estate in Scotland, it shall be competent to any person entitled to succeed to an absent person in such estate to present a petition to the Court setting forth the said facts, and after proof of the said facts, and of the petitioner's being entitled as aforesaid, and after such procedure and inquiry, by advertisement or other-

wise, as the Court may direct, the Court may grant authority to the petitioner to uplift and enjoy the yearly income of the heritable or movable estate of such absent person, as the case may be, and to grant all requisite discharges for the same, as if the said absent person were dead; or the Court may sequestrate the estate, and appoint a judicial factor thereon with the usual powers, and with authority to pay over the free yearly income of the estate to the petitioner, whose discharge shall be as valid and effectual as if granted by the absent person.

Provision for disposal of capital of movable estate seven years after date of deliverance.

**2.** It shall be competent to the petitioner upon whose petition a deliverance has been granted in terms of the preceding section, authorising him to uplift and enjoy the yearly income of movable estate, or to the heir or representative of such petitioner, to present another petition to the Court after the lapse of seven years from the date of said deliverance, setting forth that during that further period the said absent person has not been heard of, and after proof of the facts stated in the petition, and such procedure and inquiry, by advertisement or otherwise, as the Court may direct, the Court may grant authority to the petitioner to make up a title to, and thereupon to receive and discharge, possess and enjoy, the fee or capital of the said movable estate of the said absent person in the same manner as if the said absent person were dead.

Provision for disposal of heritable estate thirteen years after date of deliverance.

**3.** It shall be competent to the petitioner or petitioners upon whose petition a deliverance has been granted in terms of section one, authorising him to uplift and enjoy the yearly income of heritable estate, or to the heir or representative of such petitioner, to present another petition to the Court after a lapse of thirteen years from the date of said deliverance, setting forth that during that further period the said absent person has not been heard of, and after proof of the facts stated in the petition, and such procedure and inquiry, by advertisement or otherwise, as the Court may direct, the Court may grant authority to the petitioner to make up a title to and enter into possession and enjoyment of the fee of the said heritable estate of the said absent person in the same manner as if the said absent person were dead.

Provision for disposal of movable estate after fourteen years absence where no previous deliverance relative to income under sec. 1.

**4.** In the case of any person who has been absent from Scotland, or who has disappeared for a period of fourteen years or upwards, and who has not been heard of for fourteen years, and who at the time of his leaving or disappearance was possessed of or entitled to movable estate in Scotland, or who has since become entitled to movable estate there, it shall be competent to any person entitled to succeed to the said absent person in such movable estate to present a petition to the Court setting forth the said facts; and after proof of the said facts, and of the petitioner's being entitled as aforesaid, and after such procedure and inquiry, by advertisement or otherwise, as the Court may direct, the Court may grant authority to the petitioner to make up a title to, receive and discharge, possess and enjoy, sell or dispose of the said movable estate in the same manner as if the said absent person were dead.

Provision for disposal of heritable estate after twenty years absence

**5.** In the case of any person who has been absent from Scotland, or who has disappeared for a period of twenty years or upwards, and who has not been heard of for twenty years, and who at the time of his leaving or disappearance was possessed of or entitled

where no previous deliverance relative to income under sec. 1.

to heritable estate in Scotland, or who has since become entitled to heritable estate there, it shall be competent to any person entitled to succeed to said absent person in such heritable estate to present a petition to the Court setting forth the said facts; and after proof of the said facts, and of the petitioner's being entitled as aforesaid, and after such procedure and inquiry, by advertisement or otherwise, as the Court may direct, the Court may grant authority to the petitioner to make up a title to, enter into possession of and enjoy, and sell or dispose of the said heritable estate in the same manner as if the said absent person were dead

Power to dispense with consent of absent person to sale of property held pro indiviso.

**6.** Where the absent person shall have been one of two or more pro indiviso proprietors of heritable estate in Scotland, and he shall not have been heard of for seven years or upwards after his leaving Scotland or disappearance, and where the other pro indiviso proprietor or proprietors shall desire to sell the said estate, it shall be competent to such other pro indiviso proprietor or proprietors to present a petition to the Court setting forth the said facts, and after such procedure and inquiry, by advertisement or otherwise, as the Court may direct, the Court may grant authority to the petitioner or petitioners to sell the said estate by public roup or private bargain, as the Court may think fit, and the title granted by the said pro indiviso proprietor or proprietors under such authority shall be as good and valid to the purchaser as if the absent person had been a party to the sale and conveyance, and in the case of such a sale the share of the price belonging to the absent person shall be paid into bank for behoof of such absent person, and shall be deemed to be heritable estate of the said absent person, and, as such, shall be subject to the provisions of sections one, three, and five hereof.

Claim of absent person barred after thirteen years from date of deliverance.

**7.** In the event of the absent person having right to heritable or movable estate in Scotland as aforesaid, or of any person entitled to succeed to or take by title derived from him preferably to the person who has obtained possession of the heritable or movable estate under any of the preceding sections of this Act, appearing and establishing his right thereto, he shall be entitled to demand and receive the fee or capital of the said estate, heritable or movable, where extant in the hands of the person or persons who has or have obtained possession thereof as aforesaid, or of anyone taking from him by gratuitous title (subject to a claim for the value of any meliorations made thereupon by such person), or to demand and receive the price obtained for the said property, where the same has been sold, unless a period of thirteen years has elapsed since possession of the fee of such estate was obtained under the other provisions of this Act, and after the expiry of such period of thirteen years all claim by the absent person, or those entitled to succeed or deriving right from him as aforesaid, shall be barred. In no case shall any person who has uplifted the income of property under any of the provisions of this Act, or the income of the price obtained therefor, prior to the absent person or those in his right as aforesaid appearing and intimating their claim, be liable to account for or pay to the absent person or those in his right the income received as aforesaid prior to the intimation of such claim.

Presumption of time of death.

**8.** For the purposes of this Act, in all cases where a person has left Scotland, or has disappeared, and where no presumption arises from the facts that he died at any definite date, he shall be presumed to have died on the day which will complete a period of seven years from the time of his last being heard of, at or after such leaving or disappearance.

Several persons may be conjoined in one petition.

**9.** Any number of persons entitled to succeed as aforesaid may be conjoined in one petition relating to the estate of the same absent person; and any person having a limited right of succession may appear as petitioner to the effect of having such right made effectual, subject to the provisions of this Act.

Saving the rights of third parties.

**10.** It is hereby expressly provided and declared that nothing in this Act contained shall be held to prejudice or affect the right of third parties, having right to the estate or any part of it, preferable to the right of the absent person, or to the right of his representatives derived from him.

Policies of assurance exempted.

**11.** This Act shall not apply to any claim under a policy of assurance upon the life of any person who has been absent from Scotland, or who has disappeared, but the person or persons claiming under such policy shall be required to prove the death of the person whose life is assured, in the same manner as if this Act had not been passed.

Jurisdiction.

**12.** For the purposes of this Act "the Court" shall mean and include—

(1.) In all cases one of the Divisions of the Court of Session:

(2.) In all cases where the estate of the absent person in Scotland does not exceed in amount or value the sum of one hundred and fifty pounds sterling, the sheriff court of the county in which said estate or the greater part thereof is situate: Provided always, that the value of heritable estate shall be ascertained in terms of the provisions of the 40 & 41 Vict. c. 50.

Short title.

**13.** This Act may be cited as the Presumption of Life Limitation (Scotland) Act, 1881.

## CHAPTER 48.

### An Act further to amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto.

[22nd August 1881.]

38 & 39 Vict. c. 65.

WHEREAS by the Metropolitan Board of Works (Loans) Act, 1875, (in this Act referred to as "the Act of 1875,") the raising of money by the Metropolitan Board of Works (in this Act referred to as "the Board") for the purposes therein specified was regulated, and provision was made requiring that the borrowing powers granted to the Board by Parliament for the purposes therein named should for the future be limited both in time and amount:

43 & 44 Vict. c. 25.

And whereas by the Metropolitan Board of Works (Money) Act, 1880, (in this Act referred to as "the Act of 1880,") the Board were empowered to raise certain sums of money for the purposes

in the said Act mentioned, and limits of time and amount within which the powers by the said Act granted might be exercised were fixed:

43 & 44 Vict. c. 25.

And whereas the powers for the raising of money by the Act of 1880 conferred upon the Board have been partially exercised, but it is expedient that the Board should have power to raise certain further sums of money, specified in the First Schedule to this Act annexed, for the purposes, upon the terms, and subject to the limitations herein-after mentioned, and that the Act of 1880 should be amended:

And whereas it is expedient that the Board should be empowered to raise any of the moneys which they are by this Act authorised to raise, and which it may be convenient to raise for a temporary period, by the issue of bills, with the consent of the Treasury, for not less than three and not more than twelve months, to be repaid out of moneys raised by the creation of consolidated stock under this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.
38 & 39 Vict. c. 65
39 & 40 Vict. c. 55.
40 & 41 Vict. c. 52.
41 & 42 Vict. c. 37.
42 & 43 Vict. c. 69.
43 & 44 Vict. c. 25.

**1.** This Act may be cited as the Metropolitan Board of Works (Money) Act, 1881, and the Metropolitan Board of Works (Money) Acts, 1875 to 1880, and this Act may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1881.

Construction of Act.
32 & 33 Vict. c. 102.
33 & 34 Vict. c. 24.
34 & 35 Vict. c. 47.
38 & 39 Vict. c. 65.
39 & 40 Vict. c. 55.
40 & 41 Vict. c. 52.
41 & 42 Vict. c. 37.
42 & 43 Vict. c. 69.
43 & 44 Vict. c. 25.

**2.** This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1880.

**3.** The expression "Parks and Open Spaces Acts" in this Act shall mean the enactments specified in Part I. of the Second Schedule to this Act annexed.

Interpretation.
20 & 21 Vict. c. cl., &c.
25 & 26 Vict. c. 93, &c.
32 & 33 Vict. c. 102.
21 & 22 Vict. c. 104.
26 & 27 Vict. c. 68.
28 & 29 Vict. c. 19.

The expression "Embankment Acts" in the Metropolitan Board of Works (Loans) Act, 1869, and in this Act shall mean the series of Acts specified in Part II. of the Second Schedule to this Act annexed, and the Metropolitan Board of Works (Loans) Act, 1869, shall be construed accordingly.

32 & 33 Vict. c. 102.

The expression "Main Drainage Acts" in this Act shall have the same meaning as is assigned to the same term in the Metropolitan Board of Works (Loans) Act, 1869.

Amendment of section 7 of 43 & 44 Vict. c. 25.
28 & 29 Vict. c. 90.

**4.** Section seven of the Act of 1880 shall be read and construed as if the aggregate amount which the Board was thereby authorised to expend for the purposes of the Fire Brigade Acts, 1865, had been limited to a sum not exceeding forty thousand pounds instead of thirty thousand pounds.

Amendment of section 6 of 43 & 44 Vict. c. 25. as to expenditure under Embankment Acts and in relation to Sun Street.
39 & 40 Vict. c. 55.

**5.** Section six of the Act of 1880 shall be read and construed as if the aggregate amount which the Board was, by sub-section (*d*) of the said section, authorised to expend for the purposes of completing the works authorised by the Embankment Acts, and for completing the Sun Street Improvement under the Metropolitan Board of Works Various Powers Act, 1876, had been limited to a sum of thirteen thousand pounds instead of ten thousand pounds, and as if the aggregate amount which the Board was, by sub-section

(*e*) of the said section, authorised to expend for the purposes of defraying the costs of tablets of inscription on the four sides of the base of the obelisk on the Victoria Embankment, of the alteration of the adjoining granite pedestals and placing sphinxes thereon, and of other permanent work incurred and to be incurred in carrying out the general design, had been limited to nine thousand pounds instead of seven thousand pounds.

Amendment of section 10 of 43 & 44 Vict. c. 25. as to expenditure for purposes of main drainage and main sewers.

**6.** Section ten of the Act of 1880 shall be read and construed as if the aggregate amount which the Board was thereby authorised to expend for the purposes of main drainage and main sewers therein mentioned had been limited to a sum of four hundred thousand pounds instead of three hundred thousand pounds.

Power to Board to expend moneys for purposes of the Metropolitan Board of Works (Various Powers) Act, 1881, and 44 Vict. c. xviii.

**7.** The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1881, if it becomes law, such moneys as they may think fit, not exceeding thirty-four thousand two hundred pounds, and such further sum as the Treasury shall approve.

The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purpose of the Metropolitan Commons Supplemental Act, 1881, and in the purchase of a piece of land adjoining Brook Green, Hammersmith, a sum not exceeding twelve thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock: Provided always, that the money to be raised and the consolidated stock to be created by the Board under this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require, and as the Treasury shall approve, for the purpose of carrying out the provisions of the said Act in a proper and efficient manner.

Power to Board to expend money for purposes of 44 & 45 Vict. c. excii.

**8.** The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purposes of the Metropolitan Bridges Act, 1881, if it becomes law, such money as they think fit, not exceeding seven hundred and sixty thousand pounds.

The Board, in order to raise money for the purposes of this section, may from time to time create consolidated stock: Provided always, that the money to be raised and the consolidated stock to be created by the Board under this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require, and as the Treasury shall approve, for the purpose of carrying out the provisions of the said Act in a proper and efficient manner.

Power to Board to expend moneys during year ending 31st December 1882 for purposes of 18 & 19 Vict. c. 120. s. 144. and 25 & 26 Vict. c. 102 s. 72 of Street Improvements Act (35 & 36 Vict. c. clxiii.), of Parks and Open Spaces Acts, of Embankment Acts, improve-

**9.** The Board may from time to time, during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purposes herein-after mentioned such moneys as they may think fit, not exceeding the amounts limited in relation to such purposes respectively.

(*a*.) For the purposes mentioned in section one hundred and forty-four of the Metropolis Management Act, 1855, and section seventy-two of the Metropolis Management Amendment Act, 1862 one hundred thousand pounds:

ment of Sun Street, of the obelisk on Victoria Embankment, and of the Toll Bridges Act, 40 & 41 Vict. c. xcix.

(*b.*) For the purposes of the Metropolitan Street Improvements Act, 1872, thirty thousand and one hundred and thirty-four pounds eighteen shillings and ninepence, provided that the moneys hereby authorised to be expended for the said purposes, together with any moneys expended for the said purposes under the authority of the Metropolitan Board of Works (Money) Acts, 1877 to 1880, shall not exceed sixty thousand pounds:

(*c.*) For the purposes of the Parks and Open Spaces Acts fifteen thousand pounds:

(*d.*) For the purposes of completing the works authorised by the Embankment Acts, including the purchase and erection of lamp standards on such parts of such works as the Board may think fit, and for completing the Sun Street improvement under the Metropolitan Board of Works Various Powers Act, 1876, and for completing the tablets of inscription on the four sides of the base of the obelisk on the Victoria Embankment, the adjoining granite pedestals and the sphinxes thereon, and other permanent work, in carrying out the general design in relation to the said obelisk, twelve thousand pounds; provided that the moneys hereby authorised to be expended for the said purposes, together with any moneys expended for the said purposes under the Act of 1880, shall not exceed thirty-four thousand pounds:

(*e.*) For the purposes of the Metropolis Toll Bridges Act, 1877, including the cost of certain special works for the maintenance and repair of certain of the bridges acquired by the Board under the said Act, and commutation of pensions, fifty thousand pounds; provided that the moneys hereby authorised to be expended for the said purposes, together with the moneys heretofore authorised to be expended by the Board for the purposes of the Metropolis Toll Bridges Act, 1877, shall not exceed the sum of one million six hundred thousand pounds.

The Board, in order to raise money for the several purposes mentioned in this section, may from time to time create consolidated stock.

Power to Board to expend money for purposes of Fire Brigade. 28 & 29 Vict. c. 90.

**10.** The Board may from time to time, during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purposes of providing station-houses, fire engines, fire escapes, and permanent plant for the purposes of the Fire Brigade Act, 1865, such money as they think fit, not exceeding thirty thousand pounds.

The Board, in order to raise money for the purposes of this section, may from time to time create consolidated stock.

The Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being in their opinion sufficient to redeem, within thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power to Board to expend money for purposes of

**11.** The Board may from time to time, during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, expend—

(*a.*) For the purposes of the Metropolitan Street Improvements Act, 1877, such money as they think fit, not exceeding one million five hundred thousand pounds, or such further sum as the Treasury may approve; provided that the moneys hereby authorised to be expended for the said purposes, together with all moneys heretofore authorised to be expended by the Board for the said purposes, shall not exceed three million seven hundred and twelve thousand five hundred and seven pounds; and

street improvements under 40 & 41 Vict. c. cxxxv. and 42 & 43 Vict. c. cxcviii.

(*b.*) For the purposes of the Thames River (Prevention of Floods) Act, 1879, such money as they think fit, not exceeding ninety thousand pounds, or such further sum as the Treasury may approve.

42 & 43 Vict. c. cxcviii.

The Board, in order to raise money for the several purposes mentioned in this section, may from time to time create consolidated stock: Provided always, that the money to be raised and the consolidated stock to be created by the Board under this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require, and as the Treasury shall approve, for the purpose of carrying into effect the provisions of the said Acts respectively in a proper and efficient manner.

Power to Board to expend money for purposes of schemes under 38 & 39 Vict. c. 36.

**12.** The Board may from time to time, during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purposes of schemes made by the Board under the authority of the Artizans and Labourers Dwellings Improvement Act, 1875, and confirmed by Provisional Order and Act of Parliament, such money as they think fit, not exceeding three hundred thousand pounds, or such further sum as the Treasury may approve.

The Board, in order to raise money for the purposes of this section, may from time to time create consolidated stock, but there shall be repaid (as provided by the Artizans and Labourers Dwellings Improvement Act, 1875) to the consolidated rate out of the local rate, as defined by the Artizans and Labourers Dwellings Improvement Act, 1875, all moneys required for payment of dividends on and the redemption of the consolidated stock created for the purposes of this section: Provided always, that the money to be raised and the consolidated stock to be created by the Board under this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require, and as the Treasury shall approve, for the purpose of carrying such schemes into effect in a proper and efficient manner.

38 & 39 Vict. c. 36.

38 & 39 Vict. c. 36.

Special power to Board to expend money for purposes of main drainage and main sewers.

**13.** The Board may, up to the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purpose of adding to, extending, enlarging, improving, and completing the works authorised by the Main Drainage Acts, and for rendering the same efficient in such manner as to them may seem proper, and for extending, enlarging, and improving the main sewers transferred to and vested in the Board under and by virtue of the Metropolis Management Act, 1855, and for making such other sewers and works, and such alterations and diversions of such existing main sewers, as may to them seem proper for the purpose of relieving,

21 & 22 Vict. c. 104.

26 & 27 Vict. c. 68.

28 & 29 Vict. c. 19.

18 & 19 Vict. c. 120.

supplementing, and rendering such main sewers efficient, and for carrying into effect the several provisions in relation thereto mentioned in the said Acts, such moneys as they may think fit, not exceeding four hundred thousand pounds, in addition to any moneys which they are authorised to expend under any Acts passed previously to the passing of this Act, and for such purposes the Board may from time to time create consolidated stock, and all the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same for the time being in force relating to the execution of works authorised by the said Acts respectively shall continue in force, and shall extend and apply respectively to the works executed by means of money raised in pursuance of this section, and all stock created under the authority of this section shall be deemed to be created for the purposes of the above-mentioned Acts respectively.

Expenses of inquiry as to markets.

**14.** The Board may, as part of their general expenses, pay all costs, charges, and expenses which may be incurred by them, up to the thirty-first day of December one thousand eight hundred and eighty-two, of and incidental to any inquiry to be instituted with respect to markets for the sale of food supplies within the metropolis, as defined by the Metropolis Management Act, 1855, and preliminary to, in, and incidental to the preparing, applying for, and obtaining an Act of Parliament with respect to such markets or any of such markets.

Power to Board to lend to vestry or district board. 18 & 19 Vict. c. 120.

**15.** Where a vestry or district board constituted under the Metropolis Management Act, 1855, desire, in pursuance of authority vested in them by Act of Parliament to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-two the Board may lend to the vestry or district board, and the vestry or district board may borrow from the Board, such money as the Board think fit, and as the vestry or district board are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed two hundred thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock

for purposes of this section, an amount of consolidated stock equal to that so created.

Power to Board to lend to board of guardians. 18 & 19 Vict. c. 120.

**16.** Where a board of guardians of a union or parish wholly or for the greater part in the metropolis as defined in the Metropolis Management Act, 1855, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work or for the purpose of paying off any loan or debt or for any other purpose, and it appears to the Board and the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, the Board may lend to the board of guardians, and the board of guardians may borrow from the Board, such money as the Board think fit and as the board of guardians are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed one hundred and fifty thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding thirty years.

The Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Extension of amount of loans by Board to managers of Metropolitan Asylum District. 30 & 31 Vict. c. 6. 32 & 33 Vict. c. 102.

**17.** The Board may from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, lend to the managers of the Metropolitan Asylum District, in addition to the sums heretofore authorised to be lent by the Board to the said managers, such sums as the said managers are from time to time authorised by the Local Government Board to borrow in pursuance of the Metropolitan Poor Act, 1867, and any Acts altering or amending the same for the time being in force, not exceeding in the whole fifty thousand pounds, as though the said sums were included in the amount authorised to be lent for such purposes by section thirty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and the Acts amending the same.

The Board, in order to raise money for the purpose of this section, may from time to time create consolidated stock.

Power to Board to lend to School Board for London. 33 & 34 Vict. c. 75. 36 & 37 Vict. c. 86.

**18.** The Board may from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, lend to the School Board for London, in accordance with the provisions of the Elementary Education Acts, 1870 and 1873, and any Act or Acts altering or amending the same for the time being in force, such sums as the said School Board are from time to time authorised to borrow by the Education Department in pursuance of the said Acts, not exceeding in the whole the sum of six hundred thousand pounds.

The Board, in order to raise money for the purpose of this section, may from time to time create consolidated stock.

The moneys so lent by the Board shall be repaid to them by the said School Board with interest within such period, not exceeding fifty years, as may be agreed upon between the Board and the said School Board, with the sanction of the Education Department, subject to the approval of the Treasury.

Power to Board to lend to corporations, burial boards, &c. 18 & 19 Vict. c. 120.

**19.** Where any corporation, body of commissioners, burial board, or other public body having power to levy directly or indirectly rates in respect of lands in the metropolis, as defined in the Metropolis Management Act, 1855, or to make charges on rates leviable in the metropolis as so defined, or to take within the metropolis as so defined dues or impositions in the nature of rates, desire in pursuance of authority vested in them to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-two the Board may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the Board, such money as the Board think fit, and as the corporation, commissioners, burial board, or other public body are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed one hundred thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of the stock for purposes of this section, an amount of consolidated stock equal to that so created.

18 & 19 Vict. c. 120.

Nothing in this section shall apply to the case of a vestry or district board constituted under the Metropolis Management Act, 1855, a board of guardians, the managers of the Metropolitan Asylum District, or the School Board for London.

Power to Board to apply consolidated loans fund to make loans to local authorities, &c. in metropolis.

**20.** Where the Board are authorised by this Act, or the Metropolitan Board of Works (Money) Act, 1880, to make a loan to a vestry or district board constituted under the Metropolis Management Act, 1855, or to a board of guardians of a union or parish wholly or for the greater part in the metropolis as defined by the Metropolis Management Act, 1855, or to the managers of the Metro-

politan Asylum District, or to the School Board for London, or to any corporation, body of commissioners, burial board, or other public body, and are empowered, in order to raise money for any such loan, to create consolidated stock, and the loan is repayable within thirty years from the date of the loan, the Board, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any moneys for the time being forming part of the consolidated loans fund, and not required for the payment of the dividends on consolidated stock.

Payment of expenses of Board in opposing 44 & 45 Vict. c. clx. in Parliament.

**21.** The Board may, as part of their general expenses, pay all costs, charges, and expenses incurred by them preliminary to, in, and incidental to their opposition to the East London Waterworks Company Act, 1881, in Parliament.

Board may raise money by bills.

**22.** Notwithstanding anything in this Act or in any other Act relating to the Board contained, the Board, with the consent of the Treasury, may from time to time, as they think fit, raise any part of the moneys which they are by this Act authorised to raise, not exceeding in the whole the sum of five hundred thousand pounds, by the issue of bills under this Act.

Form and length of currency and interest on Metropolitan bills.

**23.** A bill under this Act (in this Act referred to as a "Metropolitan bill") shall be a bill in form prescribed by a regulation made in pursuance of this Act for the payment of the principal sum named therein, in the manner and at the date therein mentioned, so that the date be not less than three nor more than twelve months from the date of the bill.

Interest shall be payable in respect of a Metropolitan bill at such rate and in such manner as the Board, with the consent of the Treasury, may direct.

Payment and applications of proceeds of Metropolitan bills and charge of bills on consolidated rate.

**24.** All moneys raised by the issue of any Metropolitan bills shall be paid to the Board, and shall be expended by them for the purposes for which the same are by this Act authorised to be raised respectively. The principal money and interest expressed in any Metropolitan bill to be payable shall be charged on the consolidated rate, and shall be payable out of the said rate, or, as regards principal, out of moneys raised by the creation of consolidated stock under this Act, for the purpose for which such principal money has been expended, and, as regards interest, out of the consolidated loans fund.

Mode of issue of Metropolitan bills.

**25.** With respect to the issue of Metropolitan bills the following provisions shall have effect:

(1.) Metropolitan bills shall be issued under the authority of a warrant sealed by the Board and countersigned on behalf of the Treasury:

(2.) Each Metropolitan bill shall be for the amount directed by the Board:

(3.) Each Metropolitan bill shall be sealed by the Board, the sealing being attested by the clerk in his own name.

Regulations to be made by the Board as to issue, cancellation, &c. of Metropolitan bills.

**26.** The Board may from time to time, with the consent of the Treasury, make, and when made rescind, alter, and add to, regulations for carrying into effect the provisions of this Act with respect to Metropolitan bills, and in particular—

(1.) For regulating (subject to the provisions of this Act) the preparation, form, mode of issue, mode of payment, and cancellation of Metropolitan bills:

(2.) For regulating the issue of a new Metropolitan bill in lieu of one defaced, lost, or destroyed:

(3.) For preventing, by the use of counterfoils or of a special description of paper or otherwise, fraud in relation to the Metropolitan bills:

(4.) For the proper discharge to be given upon the payment of a Metropolitan bill.

Every regulation purporting to be made in pursuance of this section shall be deemed to be within the powers of this Act, and shall have effect as if it were enacted in this Act.

Power to create consolidated stock partially suspended while Metropolitan bills authorised to be raised.

**27.** For the purpose of paying off the principal money of any Metropolitan bills the Board may raise any sum which they are by this Act empowered to raise by the creation of consolidated stock for the purposes for which such principal money has been expended, not exceeding the amount of such principal money; but, save as aforesaid, the powers given to the Board by this Act to raise moneys for any purposes by the creation of consolidated stock shall be suspended to the amounts and for the periods to and for which moneys are for the time being authorised by the Treasury to be raised for such purposes respectively by the issue of Metropolitan bills.

Application of certain provisions of 24 & 25 Vict. c. 98. to Metropolitan bills.

**28.** Sections eight, nine, ten, and eleven of the Act of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate and amend "the Statute Law of England and Ireland relating to indictable "offences by forgery" (which sections relate to the forgery of and other frauds relating to Exchequer bills), shall apply to the Metropolitan bills, and shall have effect as if "Exchequer bill" in those sections included "Metropolitan bill."

Arrangement with bank as to issue, &c. of Metropolitan bills.

**29.** The Board may enter into such arrangements with any bank approved by the Treasury for carrying into effect the provisions of this Act with respect to the issue of the Metropolitan bills, and to the payment of the principal sum named therein, and to all matters relating thereto, and for the proper remuneration of such bank with reference thereto, as they may think proper and as may be approved by the Treasury.

32 & 33 Vict. c. 102. s. 38. not to extend to money raised under this Act.

**30.** The limitation on the borrowing power of the Board contained in section thirty-eight of the Metropolitan Board of Works (Loans) Act, 1869, shall not extend to moneys raised by the Board for purposes mentioned in this Act.

Repayments to be carried to consolidated loans fund.

**31.** All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the consolidated loans fund.

Limit to exercise by Board of borrowing powers.

**32.** During the year ending the thirty-first day of December one thousand eight hundred and eighty-two the Board shall not (except for such temporary period, not exceeding six months, as the Treasury may from time to time sanction) raise otherwise than in conformity with and to the extent mentioned in this Act any money under any powers of borrowing conferred upon the Board either by this Act or any other Act whatsoever: Provided always, that the limitations contained in this section and in section twenty-seven of the Act of 1880 shall not extend to limit or control the raising of moneys under the authority of section thirty-four of the Metropolitan Board of Works (Loans) Act, 1869, or of section

eight of the Metropolitan Board of Works (Loans) Act, 1875, for the purposes in the said sections respectively mentioned.

Minutes of proceedings of Board to be printed.

**33.** From and after the passing of this Act the Board shall cause copies of the minutes of all proceedings of the Board, with the names of the members who attend each meeting, to be from time to time printed, and to be filed and kept under their direction at the principal office of the Board, and a copy of such minutes so printed and filed shall be signed by the members present, or any two of them, and all matters contained in any such copy so printed and filed, purporting to be so signed as aforesaid, shall be received as evidence without proof of any meeting of the Board having been duly convened or held, or of the presence at any such meeting of the persons named in any such printed copy as being present thereat, or of such persons being members of the Board, or of the signature of any person by whom any such copy purports to be signed, all which matters shall be presumed until the contrary be proved; and the copies of the minutes so printed, filed, and signed as aforesaid shall be in substitution for the entries of the proceedings of the Board, after the passing of this Act, required to be made, and for the books containing the same required to be kept under the direction of the Board by section sixty of the Metropolis Management Act, 1855, and all the provisions of the said Act referring or relating to such books as aforesaid shall, as to the minutes of proceedings of the Board after the passing of this Act, refer and relate to the said copies of the minutes so printed, filed, and signed as aforesaid, as though they were the books by the said section sixty required to be kept.

38 & 39 Vict. c. 65. s. 15. amended as to salary of auditor.

**34.** Section fifteen of the Metropolitan Board of Works (Loans) Act, 1875, shall be read as if the words one hundred and fifty pounds were substituted for the words one hundred guineas.

## FIRST SCHEDULE.

### New Money Powers conferred in this Act.

| Section of Act. | Purpose. | Amount. | | |
|---|---|---|---|---|
| | Supplemental up to 31st Dec. 1881. | £ | s. | d. |
| 4 | Fire Brigade (amount already sanctioned, £30,000) | 10,000 | 0 | 0 |
| 5[a] | Thames Embankments, Queen Victoria Street, Northumberland Avenue, and Sun Street | 3,000 | 0 | 0 |
| | The Obelisk on the Victoria Embankment | 2,000 | 0 | 0 |
| 6 | Main Drainage | 100,000 | 0 | 0 |
| | Up to 31st Dec. 1882. | | | |
| 7 | Hackney Commons, should the Various Powers Bill become law | 34,200 | 0 | 0 |
| | Metropolitan Commons Supplemental Act, 1881, and purchase of land adjoining Brook Green | 12,000 | 0 | 0 |
| 8 | Metropolitan Bridges Bill, should it become law | 760,000 | 0 | 0 |

| Section of Act. | Purpose. | | | | Amount. | | |
|---|---|---|---|---|---|---|---|
| | | | | | £ | s. | d. |
| | 1ST JAN. TO 31ST DEC 1882. | | | | | | |
| 9 | Minor Improvements and Contributions to Local Improvements | | | | 100,000 | 0 | 0 |
| | Streets under Act of 1872 | | | | 30,134 | 18 | 9 |
| | Parks, commons, and open spaces | | | | 15,000 | 0 | 0 |
| | Thames Embankments, Queen Victoria Street, Northumberland Avenue, and Sun Street | | | | 12,000 | 0 | 0 |
| | Obelisk on Victoria Embankment | | | | | | |
| | Bridges (including Commutation of Pensions) | | | | 50,000 | 0 | 0 |
| 10 | Fire Brigade | | | | 30,000 | 0 | 0 |
| 11 | Streets under Act of 1877 | | | | 1,500,000 | 0 | 0 |
| | Thames River, Prevention of Floods | | | | 90,000 | 0 | 0 |
| 12 | Artizans Dwellings | | | | 300,000 | 0 | 0 |
| 13 | Main Drainage | | | | 400,000 | 0 | 0 |
| 14 | Loans to vestries and district boards | | | | 200,000 | 0 | 0 |
| 15 | Loans to guardians | | | | 150,000 | 0 | 0 |
| 16 | Loans to managers of Metropolitan Asylum District | | | | 50,000 | 0 | 0 |
| 17 | Loans to School Board for London | | | | 600,000 | 0 | 0 |
| 18 | Loans to other public bodies | | | | 100,000 | 0 | 0 |
| | | | | | 4,548,334 | 18 | 9 |
| | AMOUNTS included above which are re-grants of borrowing power previously granted: | £ | s. | d. | | | |
| | Minor Improvements and Contributions to Local Improvements | 63,303 | 5 | 0 | | | |
| | Fire Brigade | 5,005 | 11 | 4 | | | |
| | Parks, commons, and open spaces | 15,000 | 0 | 0 | | | |
| | Bridges (including Commutation of Pensions) | 50,000 | 0 | 0 | | | |
| | Thames River (Prevention of Floods) | 86,934 | 2 | 4 | | | |
| | Artizans Dwellings | 300,000 | 0 | 0 | | | |
| | Main Drainage | 123,989 | 10 | 3 | | | |
| | Streets under Act of 1872 | 30,134 | 18 | 9 | | | |
| | Streets under Act of 1877 | 1,500,000 | 0 | 0 | | | |
| | Thames Embankments, Queen Victoria Street, Northumberland Avenue, and Sun Street | 1,588 | 8 | 3 | | | |
| | Obelisk on Victoria Embankment | 7,000 | 0 | 0 | | | |
| | Loans to vestries and district boards | 168,750 | 0 | 0 | | | |
| | Loans to guardians | 47,900 | 0 | 0 | | | |
| | Loans to managers of Metropolitan Asylum District | — | | | | | |
| | Loans to School Board for London | 600,000 | 0 | 0 | | | |
| | Loans to other public bodies | 85,100 | 0 | 0 | | | |
| | | | | | 3,084,705 | 15 | 11 |
| | New borrowing powers: For Board £1,265,379 2s. 10d. For Loans 198,250 | — | | | 1,463,629 | 2 | 10 |

## SECOND SCHEDULE

### PARKS AND OPEN SPACES ACTS.

### PART I.

The Finsbury Park Act, 1857, 20 & 21 Vict. c. cl.
Southwark Park Act, 1864, 27 Vict. c. iv.
Gardens in Towns Protection Act, 1863, 26 Vict. c. 13.
Leicester Square Act, 1874, 37 Vict. c. x.

The Open Spaces (Metropolis) Act, 1877, 40 & 41 Vict. c. 35.
Metropolitan Commons Act, 1866, 29 & 30 Vict. c. 122.
" " " Amendment Act, 1869, 32 & 33 Vict. c. 107.
" " " 1878, 41 & 42 Vict. c. 71.
" " Supplemental Act, 1871 (Blackheath), 34 & 35 Vict. c. lvii.
" " " " 1871 (Shepherd's Bush), 34 & 35 Vict. c. lxiii.
" " " " 1872 (Hackney Commons), 35 & 36 Vict. c. xliii.
" " " " 1873 (Tooting Beck Common), 36 & 37 Vict. c. lxxxvi.
Metropolitan Board of Works Various Powers Act, 1875 (Tooting Graveney Common), 38 & 39 Vict. c. clxxix. sec. 14.
Hampstead Heath Act, 1871, 34 & 35 Vict. c. lxxvii.
Metropolitan Commons Supplemental Act, 1877 (Clapham Common and Bostall Heath), 40 & 41 Vict. c. cci.
Plumstead Common Act, 1878, 41 & 42 Vict. c. cxlv.
Wormwood Scrubs Act, 1879, 42 & 43 Vict. c. clx.
Metropolitan Commons Supplemental Act, 1881, (Brook Green, Eel Brook Common, &c.), c. xviii.

PART II.

*Embankment Acts.*

The Thames Embankment (North) Act, 1862, 25 & 26 Vict. c. 93., 26 & 27 Vict. c. 45.
Thames Embankment (South) Act, 1863, 26 & 27 Vict. c. 75.
" " Amendment Act, 1864, 27 & 28 Vict. c. cxxxv., 27 & 28 Vict. c. 61.
" " (North and South) Act, 1868, 31 & 32 Vict. c. cxi., 31 & 32 Vict. c. 43.
" " (Chelsea) Act, 1868, 31 & 32 Vict. c. cxxxv., 32 & 33 Vict. c. 134.
" " (North) Act, 1870, 33 & 34 Vict. c. xcii.
" " " " 1872, 35 & 36 Vict. c. lxvi.
" " (Land) Act, 1873, 36 & 37 Vict. c. 40.
" " (South) Act, 1873, 36 Vict. c. vii.
Charing Cross and Victoria Embankment Approach Act, 1873, 36 & 37 Vict. c. c.
Metropolitan Board of Works Various Powers Act, 1876 (Chelsea Embankment), 39 & 40 Vict. c. lxxix.

# CHAPTER 49.

An Act to further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto. [22nd August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

## PART I.

### ORDINARY CONDITIONS OF TENANCIES.

Sale of tenancies.

1. The tenant for the time being of every holding, not hereinafter specially excepted from the provisions of this Act, may sell his tenancy for the best price that can be got for the same, subject

to the following regulations and subject also to the provisions in this Act contained with respect to the sale of a tenancy subject to statutory conditions:

(1.) Except with the consent of the landlord, the sale shall be made to one person only:

(2.) The tenant shall give the prescribed notice to the landlord of his intention to sell his tenancy:

(3.) On receiving such notice the landlord may purchase the tenancy for such sum as may be agreed upon, or in the event of disagreement may be ascertained by the court to be the true value thereof:

(4.) Where the tenant shall agree to sell his tenancy to some other person than the landlord, he shall, upon informing the landlord of the name of the purchaser, state in writing therewith the consideration agreed to be given for the tenancy:

(5.) If the tenant fails to give the landlord the notice or information required by the foregoing sub-sections, the court may, if it think fit and that the just interests of the landlord so require, declare the sale to be void:

(6.) Where the tenancy is sold to some other person than the landlord, the landlord may within the prescribed period refuse on reasonable grounds to accept the purchaser as tenant:

In case of dispute the reasonableness of the landlord's refusal shall be decided by the court: Provided that the landlord's objection shall be conclusive in the case of any tenancy in a holding where the permanent improvements in respect of which, if made by the tenant or his predecessors in title, the tenant would have been entitled to compensation under the provisions of the Landlord and Tenant (Ireland) Act, 1870, as amended by this Act, have been made by the landlord or his predecessors in title, and have been substantially maintained by the landlord and his predecessors in title, and not by the tenant or his predecessors in title:

33 & 34 Vict. c. 46.

(7.) Where the tenancy is subject to any such conditions as are in this Act declared to be statutory conditions, and the sale is made in consequence of proceedings by the landlord for the purpose of recovering possession of the holding by reason of the breach of any of such conditions, the court shall grant to the landlord out of the purchase moneys payment of any debt, including arrears of rent, due to him by the tenant and compensation by way of damages for any injury he may have sustained from the tenant by breach of any of such conditions, except the condition relating to the payment of rent:

(8.) Where permanent improvements on a holding have been made by the landlord or his predecessors in title solely or by him or them jointly with the tenant or his predecessors in title, or have been paid for by the landlord or his predecessors in title, and the landlord, on the application of the tenant, consents that his property in such improvements shall be sold along with the tenancy, and the same is so sold accordingly, the purchase money shall be apportioned by the court as between the landlord's property in such improvements, and the tenancy, and the part of the purchase money so found to repre-

sent the landlord's property in such improvements (but subject to any set-off claimed by the tenant) shall be paid to the landlord; and such improvements so sold shall be deemed to have been made by the purchaser of the tenancy:

(9.) Where a tenant sells his tenancy to any person other than the landlord, the landlord may at any time within the prescribed period give notice both to the outgoing tenant and to the purchaser of any sums which he may claim from the outgoing tenant for arrears of rent or other breaches of the contract or conditions of tenancy. And

(*a.*) If the outgoing tenant does not within the prescribed period give notice to the purchaser that he disputes such claims or any of them the purchaser shall out of the purchase moneys pay the full amount thereof to the landlord; and

(*b.*) If the outgoing tenant disputes such claims or any of them, the purchaser shall out of the purchase moneys pay to the landlord so much (if any) of such claims as the outgoing tenant admits, and pay the residue of the amount claimed by the landlord into court in the prescribed manner.

Until the purchaser has satisfied the requirements of this sub-section, it shall not be obligatory on the landlord to accept the purchaser as his tenant:

(10.) Where any purchase money has been paid into court it shall be lawful for the landlord and also for the outgoing tenant and for the purchaser respectively to make applications to the court in respect of such purchase money; and the court shall hear and determine such applications and make such order or orders thereupon as to the court may seem just:

(11.) A tenant who has sold his tenancy on any occasion of quitting his holding shall not be entitled on the same occasion to receive compensation for either disturbance or improvements; and a tenant who has received compensation for either disturbance or improvements on any occasion of quitting his holding shall not be entitled on the same occasion to sell his tenancy:

(12.) The tenant of a holding subject to the Ulster tenant-right custom or to a usage corresponding to the Ulster tenant-right custom may sell his tenancy either in pursuance of that custom or usage, or in pursuance of this section, but he shall not be entitled to sell partly under the custom or usage and partly under the provisions of this section:

(13.) If the tenant of a tenancy subject to the Ulster tenant-right custom or to a usage corresponding to the Ulster tenant-right custom sells his tenancy in pursuance of this section, the tenancy, unless purchased by the landlord, shall continue to be subject to such custom or usage:

(14.) Where a sale of a tenancy is made under a judgment or other process of law against the tenant or for the payment of the debts of the deceased tenant, the sale shall be made in the prescribed manner, subject to the conditions of this section, so far as the same are applicable:

(15.) Any sum payable to the landlord out of the purchase moneys of the tenancy under this section shall be a first charge upon the purchase moneys:

(16.) A landlord, on receiving notice of an intended sale of the tenancy, may, if he is not desirous of purchasing the tenancy otherwise than as a means of securing the payment of any sums due to him for arrears of rent or other breaches of the contract or conditions of tenancy, give notice within the prescribed time of the sum claimed by him in respect of such arrears and breaches, such sum failing agreement between the landlord and tenant to be determined by the court, and should the tenant determine to proceed with the sale, may claim to purchase the tenancy for such sum if no purchaser is found to give the same or a greater sum; and the landlord, if no purchaser be found within the prescribed time to give the same or a greater sum, shall be adjudged the purchaser of the tenancy at that sum.

Prohibition of subdividing and subletting.

**2.** The tenant from year to year of a tenancy to which this Act applies shall not, without the consent of the landlord in writing, subdivide his holding or sublet the same or any part thereof.

Agistment or the letting of land for the purpose of temporary depasturage, or the letting in conacre of land for the purpose of its being solely used and which shall be solely used for the growing of potatoes or other green crops, the land being properly manured, shall not be deemed a sub-letting for the purposes of this Act.

Devolution of tenancies.

**3.** Where the tenant of a tenancy to which this Act applies has bequeathed his tenancy to one person only, and the personal representatives of the tenant have assented to the bequest, such person shall have the same claim to be accepted as tenant by the landlord as if the tenancy had been sold to him by the testator.

Where the tenant of any such tenancy has bequeathed his tenancy to more than one person or dies intestate, then, if his personal representatives serve notice on the landlord nominating some one of the legatees or persons entitled under the Statutes of Distribution to his personal estate, to succeed to the tenancy, such person shall have the same claim to be accepted by the landlord as if the tenancy had been sold to him by the testator or intestate, and in default of such notice the personal representatives shall, if the landlord requires a sale to be made, within twelve months after the death of the tenant sell the tenancy, and in case of their default the landlord may sell the same under the direction of the court.

Where the tenant of a tenancy dies intestate and without leaving any person entitled to his personal estate, or any part thereof, such tenancy shall pass to the landlord, subject, however, to the debts and liabilities of the deceased tenant.

Increase of rent to attract statutory conditions or enhance price on sale.

**4.** Where the landlord demands an increase of rent from the tenant of a present tenancy (except where he is authorised by the court to increase the same as hereafter in this Act mentioned) or demands an increase of rent from the tenant of a future tenancy beyond the amount fixed at the beginning of such tenancy, then,

(1.) Where the tenant accepts such increase, until the expiration of a term of fifteen years from the time when such increase was made (in this Act referred to as a statutory term) such

tenancy shall (if it so long continues to subsist) be deemed to be a tenancy subject to statutory conditions, with such incidents during the continuance of the said term as are in this Act in that behalf mentioned:

(2.) Where the tenant of any future tenancy does not accept such increase and sells his tenancy, the same shall be sold subject to the increased rent, and in addition to the price paid for the tenancy he shall be entitled to receive from his landlord the amount (if any) by which the court may, on the application of the landlord or tenant, decide the selling value of his tenancy to have been depreciated below the amount which would have been such selling value if the rent had been a fair rent, together with such further sum (if any) as the court may award in respect of his costs and expenses in effecting such sale:

(3.) Where the tenant does not accept such increase and is compelled to quit the tenancy by or in pursuance of a notice to quit, but does not sell the tenancy, he shall be entitled to claim compensation as in the case of disturbance by the landlord:

(4.) The tenant of a present tenancy may in place of accepting or declining such increase apply to the court in manner hereafter in this Act mentioned to have the rent fixed.

Incidents of tenancy subject to statutory conditions.

**5.** A tenant shall not, during the continuance of a statutory term in his tenancy, be compelled to pay a higher rent than the rent payable at the commencement of such term, and shall not be compelled to quit the holding of which he is tenant except in consequence of the breach of some one or more of the conditions following (in this Act referred to as statutory conditions); that is to say,

(1.) The tenant shall pay his rent at the appointed time:

(2.) The tenant shall not, to the prejudice of the interest of the landlord in the holding, commit persistent waste by the dilapidation of buildings or, after notice has been given by the landlord to the tenant not to commit or to desist from the particular waste specified in such notice, by the deterioration of the soil:

(3.) The tenant shall not, without the consent of his landlord in writing, subdivide his holding or sublet the same or any part thereof, or erect or suffer to be erected thereon, save as in this Act provided, any dwelling-house otherwise than in substitution for those already upon the holding at the time of the passing of this Act:

Agistment or the letting of land for the purpose of temporary depasturage, or the letting in conacre of land for the purpose of its being solely used and which shall be solely used for the growing of potatoes or other green crops, the land being properly manured, shall not be deemed a sub-letting for the purposes of this Act.

(4.) The tenant shall not do any act whereby his tenancy becomes vested in an assignee in bankruptcy:

(5.) The landlord, or any person or persons authorised by him in that behalf (he or they making reasonable amends and satisfaction for any damage to be done or occasioned thereby), shall

have the right to enter upon the holding for any of the purposes following (that is to say):

Mining or taking minerals, or digging or searching for minerals;

Quarrying or taking stone, marble, gravel, sand, brick clay, fire clay, or slate;

Cutting or taking timber or turf, save timber and other trees planted by the tenant or his predecessors in title, or that may be necessary for ornament or shelter, and save also such turf as may be required for the use of the holding;

Opening or making roads, fences, drains, and watercourses;

Passing and re-passing to and from the sea shore with or without horses and carriages for exercising any right of property or royal franchise belonging to the landlord;

Viewing or examining at reasonable times the state of the holding and all buildings or improvements thereon;

Hunting, shooting, fishing, or taking game or fish, and if the landlord at the commencement of the statutory term so requires, then as between the landlord and tenant the right of shooting and taking game, and of fishing and taking fish shall belong exclusively to the landlord, subject to the provisions of the Ground Game Act, 1880, and the provisions of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty-seven, shall extend where such right of shooting and taking game belongs exclusively to the landlord as though such exclusive right were reserved by the landlord to himself by deed. The word "game" for the purposes of this subsection means hares, rabbits, pheasants, partridges, quails, landrails, grouse, woodcock, snipe, wild duck, widgeon, and teal;

43 & 44 Vict. c. 47.

And the tenant shall not persistently obstruct the landlord, or any person or persons authorised by him in that behalf as aforesaid, in the exercise of any right conferred by this subsection.

During the continuance of a statutory term, all mines and minerals, coals and coal pits, subject to such rights in respect thereof as the tenant, under the contract of tenancy subsisting immediately before the commencement of the statutory term, was lawfully entitled to exercise, shall be deemed to be exclusively reserved to the landlord;

(6.) The tenant shall not on his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors.

Nothing contained in this section shall prejudice or affect any ejectment for nonpayment of rent instituted by a landlord whether before or after the commencement of a statutory term, in respect of rent accrued due for a holding before the commencement of such term.

During the continuance of a statutory term in a tenancy, save as herein-after provided, the court may, on the application of the landlord, and upon being satisfied that he is desirous of resuming the holding or part thereof for some reasonable and sufficient purpose having relation to the good of the holding or of the estate, including the use of the ground as building ground, or for the

benefit of the labourers in respect of cottages, gardens, or allotments, or for the purpose of making grants or leases of sites for churches or other places of religious worship, schools, dispensaries, or clergymen's or schoolmasters residences, authorise the resumption thereof by the landlord upon such conditions as the court may think fit, and require the tenant to sell his tenancy in the whole or such part to the landlord upon such terms as may be approved by the court, including full compensation to the tenant.

Provided that the rent of any holding subject to statutory conditions may be increased in respect of capital laid out by the landlord under agreement with the tenant to such an amount as may be agreed upon between the landlord and tenant.

*Amendment of Law as to Compensation for Disturbance.*

Repeal of 33 & 34 Vict. c. 46. s. 3 (in part) and s. 13.

**6.** There shall be repealed so much of section three of the Landlord and Tenant (Ireland) Act, 1870, as provides for the scale of compensation, and so much of the same section as declares that in no case shall the compensation exceed the sum of two hundred and fifty pounds, and so much of the same section as declares that a tenant in a higher class of the scale may at his option claim compensation under a lower class, and so much of the same section as prohibits tenants of holdings valued at such sums as are in the said section mentioned, and making such claims for compensation for disturbance as are in the said section mentioned, from being entitled to make separate or additional claims for improvements other than permanent buildings and reclamation of waste land, and the said section three shall hereafter be read as if from such section were omitted the words "for the loss which the court shall find " to be sustained by him by reason of quitting his holding," so that the said section shall be read as providing that the tenant therein mentioned shall be entitled to such compensation as the court, in view of all the circumstances of the case, shall think just, subject to the scale of compensation herein-after mentioned.

The compensation payable under the said section three in the case of a tenant disturbed in his holding by the act of a landlord after the passing of this Act shall be as follows in the case of holdings—

Where the rent is thirty pounds or under, a sum not exceeding seven years rent:

Where the rent is above thirty pounds and not exceeding fifty pounds, a sum not exceeding five years rent:

Where the rent is above fifty pounds and not exceeding one hundred pounds, a sum not exceeding four years rent:

Where the rent is above one hundred pounds and not exceeding three hundred pounds, a sum not exceeding three years rent:

Where the rent is above three hundred pounds and not exceeding five hundred pounds, a sum not exceeding two years rent:

Where the rent is above five hundred pounds, a sum not exceeding one year's rent.

Any tenant in a higher class of the scale may, at his option, claim compensation under a lower class, provided such compensation shall not exceed the sum to which he would be entitled under

such lower class on the assumption that the rent of his holding was reduced to the sum (or where two sums are mentioned, the higher sum) stated in such lower class.

From and after the passing of this Act the thirteenth section of the Landlord and Tenant (Ireland) Act, 1870, shall be and the same is hereby repealed.

*Amendment of Law as to Compensation for Improvements.*

Amendment of 33 & 34 Vict. c. 46 as to compensation for improvements.

**7.** A tenant on quitting the holding of which he is tenant shall not be deprived of his right to receive compensation for improvements under the Landlord and Tenant (Ireland) Act, 1870, by reason only of the determination by surrender or otherwise of the tenancy subsisting at the time when such improvements were made by such tenant or his predecessors in title, and the acceptance by him or them of a new tenancy.

Where in tracing a title for the purpose of obtaining compensation for improvements, it appears that an outgoing tenant has surrendered his tenancy in order that some other person may be accepted by the landlord as tenant in his place, and such other person is so accepted as tenant, the outgoing tenant shall not be precluded from being deemed the predecessor in title of the incoming tenant by reason only of such surrender of tenancy by him.

The court, in adjudicating on a claim for compensation for improvements made before any such change of tenancy or of tenants, shall take into consideration all the circumstances under which such change took place, and shall admit, reduce, or disallow altogether such claim as to the court may seem just.

A flax scutching mill otherwise suitable to the holding on which it is erected shall not be deemed to be unsuitable to the holding on which it is erected by reason only that it is available for purposes beyond those of the holding on which it is situate.

## PART II.

## INTERVENTION OF COURT.

Determination by court of rent of present tenancies.

**8.** (1.) The tenant of any present tenancy to which this Act applies, or such tenant and the landlord jointly, or the landlord, after having demanded from such tenant an increase of rent which the tenant has declined to accept, or after the parties have otherwise failed to come to an agreement, may from time to time during the continuance of such tenancy apply to the court to fix the fair rent to be paid by such tenant to the landlord for the holding, and thereupon the court, after hearing the parties, and having regard to the interest of the landlord and tenant respectively, and considering all the circumstances of the case, holding, and district, may determine what is such fair rent.

(2.) The rent fixed by the court (in this Act referred to as the judicial rent) shall be deemed to be the rent payable by the tenant as from the period commencing at the rent day next succeeding the decision of the court.

(3.) Where the judicial rent of any present tenancy has been fixed by the court, then, until the expiration of a term of fifteen

years from the rent day next succeeding the day on which the determination of the court has been given (in this Act referred to as a statutory term), such present tenancy shall (if it so long continue to subsist) be deemed to be a tenancy subject to statutory conditions, and having the same incidents as a tenancy subject to statutory conditions consequent on an increase of rent by a landlord, with this modification, that, during the statutory term in a present tenancy consequent on the first determination of a judicial rent of that tenancy by the court, application by the landlord to authorise the resumption of the holding or part thereof by him for some purpose having relation to the good of the holding or of the estate, shall not be entertained by the court, unless—

(*a.*) Such present tenancy has arisen at the expiration of a judicial lease, or of a lease existing at the time of the passing of this Act, and originally made for a term of not less than thirty-one years; or

(*b.*) It is proved to the satisfaction of the court that before the passing of this Act the reversion expectant on the determination of a lease of the holding was purchased by the landlord or his predecessors in title with the view of letting or otherwise disposing of the land for building purposes on the determination of such lease, and that it is bonâ fide required by him for such purpose.

(4.) Where an application is made to the court under this section in respect of any tenancy, the court may, if it think fit, disallow such application where the court is satisfied that on the holding in which such tenancy subsists the permanent improvements in respect of which, if made by the tenant or his predecessors in title, the tenant would have been entitled to compensation under the provisions of the Landlord and Tenant (Ireland) Act, 1870, as amended by this Act, have been made by the landlord or his predecessors in title, and have been substantially maintained by the landlord and his predecessors in title, and not made or acquired by the tenant or his predecessors in title.

(5.) On the occasion of any application being made to the court under this section to fix a judicial rent in respect of any holding which is not subject to the Ulster tenant-right custom, or an usage corresponding to the Ulster tenant-right custom, the landlord and tenant may agree to fix, or in the case of dispute the court may fix, on the application of either landlord or tenant, a specified value for the tenancy; and, where such value has been fixed, then if at any time during the continuance of the statutory term the tenant gives notice to the landlord of his intention to sell the tenancy, the landlord may purchase the tenancy on payment to the tenant of the amount of the value so fixed, together with the value of any improvements made by the tenant since the time at which such value was fixed, but subject to deduction in respect of any damage caused by dilapidation of buildings or deterioration of soil since the time at which the value was so fixed.

(6.) Subject to rules made under this Act, the landlord and tenant of any present tenancy to which this Act applies, may, at any time if such tenancy is not subject to a statutory term, or if the tenancy is subject to a statutory term, then may, during the

last twelve months of such term, by writing under their hands, agree and declare what is then the fair rent of the holding; and such agreement and declaration on being filed in court in the prescribed manner, shall have the same effect and consequences in all respects as if the rent so agreed on were a judicial rent fixed by the court under the provisions of this Act.

(7.) A further statutory term shall not commence until the expiration of a preceding statutory term, and an alteration of judicial rent shall not take place at less intervals than fifteen years.

(8.) During the currency of a statutory term an application to the court to determine a judicial rent shall not be made except during the last twelve months of the current statutory term.

(9.) No rent shall be allowed or made payable in any proceedings under this Act in respect of improvements made by the tenant or his predecessors in title, and for which, in the opinion of the court, the tenant or his predecessors in title shall not have been paid or otherwise compensated by the landlord or his predecessors in title.

(10.) The amount of money or money's worth that may have been paid or given for the tenancy of any holding by a tenant or his predecessors in title, otherwise than to the landlord or his predecessors in title, shall not of itself, apart from other considerations, be deemed to be a ground for reducing or increasing the rent of such holding.

Equities to be administered by court between landlord and tenant.

**9.** Where the court, on the hearing of an application of either landlord or tenant respecting any matter under this Act, is of opinion that the conduct of either landlord or tenant has been unreasonable, or that the one has unreasonably refused any proposal made by the other, the court may do as follows:

It may refuse to accede to the application, or may accede to the same, subject to conditions to be performed by either landlord or tenant, or may impose on either party to the application the payment of the costs or the greater part of the costs of any proceedings, and generally may make such order in the matter as the court thinks most consistent with justice.

## PART III.

## EXCLUSION OF ACT BY AGREEMENT.

### *Judicial Leases.*

Lease approved by court during its continuance to exclude provisions of the Act

**10.** The landlord and tenant of any ordinary tenancy and the landlord and proposed tenant of any holding to which this Act applies which is not subject to a subsisting tenancy, may agree, the one to grant and the other to accept a lease for a term of thirty-one years or upwards (in this Act referred to as a judicial lease), on such conditions and containing such provisions as the parties to such lease may mutually agree upon, and such lease, if sanctioned by the court, after considering the interest of the tenant, and where such lease is made by a limited owner, the interest of all persons entitled to any estate or interest in the holding subsequent to the estate or interest of such limited owner, shall be deemed to be sub-

stituted for the former tenancy, if any, in the holding; and the tenancy shall during the continuance of such lease be regulated by the provisions of that lease alone, and shall not be deemed to be a tenancy to which this Act applies.

At the expiration of a judicial lease made to the tenant of a present tenancy and for a term not exceeding sixty years the lessee shall be deemed to be the tenant of a present ordinary tenancy from year to year at the rent and subject to the conditions of the lease, so far as such conditions are applicable to such tenancy.

*Fixed Tenancies.*

Present ordinary tenancy converted into fixed tenancy.

**11.** The landlord and tenant of any tenancy may agree that such tenancy shall become a fixed tenancy within the meaning of this Act, and such fixed tenancy upon being established shall be substituted for the tenancy previously existing in the holding, and shall not be deemed to be a tenancy to which this Act applies.

Conditions of fixed tenancy.

**12.** A fixed tenancy shall be a tenancy held upon such conditions as may be agreed upon between the landlord and tenant establishing such tenancy, and in the case of a landlord who is a limited owner the court shall approve after considering the interest of all persons entitled to any estate or interest in the holding subsequent to the estate or interest of such limited owner, subject to the following restrictions; that is to say,

(1.) The tenant shall pay a fee-farm rent which may or may not be subject to re-valuation by the court at such intervals of not less than fifteen years as may be agreed upon between the landlord and tenant, the rent on any such re-valuation being such as the court, after hearing the parties, and having regard to the interests of the landlord and tenant respectively, and considering all the circumstances of the case, holding, and district, shall determine to be fair; and

(2.) The tenant shall not be compelled to quit his holding except on breach of some one or more of the conditions in this Act declared to be statutory conditions.

## PART IV.

## PROVISIONS SUPPLEMENTAL TO PRECEDING PARTS.

*Miscellaneous.*

Regulations as to sales and application to court to fix rent.

**13.** (1.) Where proceedings are or have been taken by the landlord to compel a tenant to quit his holding, the tenant may sell his tenancy at any time before but not after the expiration of six months from the execution of a writ or decree for possession in an ejectment for nonpayment of rent and at any time before but not after the execution of such writ or decree in any ejectment other than for nonpayment of rent; and any such tenancy so sold shall be and be deemed to be a subsisting tenancy notwithstanding such proceedings, without prejudice to the landlord's rights, in the event of the said tenancy not being redeemed within said period of six months; and, if any judgment or decree in ejectment has been obtained before the passing of this Act, such tenant may within the

same periods respectively apply to the court to fix the judicial rent of the holding, but subject to the provisions herein contained such application shall not invalidate or prejudice any such judgment or decree, which shall remain in full force and effect.

(2.) Where the sale of any tenancy is delayed by reason of any application being made to the court or for any other reasonable cause, the court may, on the application of the tenant, and on such terms and conditions as the court may direct, enlarge the time during which the tenant may exercise his power of sale, or in case of ejectment for nonpayment of rent redeem the tenancy.

(3.) Where any proceedings for compelling the tenant of a present tenancy to quit his holding shall have been taken before or after an application to fix a judicial rent and shall be pending before such application is disposed of, the court before which such proceedings are pending shall have power, on such terms and conditions as the court may direct, to postpone or suspend such proceedings until the termination of the proceedings on the application for such judicial rent; and the pendency of any such proceedings for compelling the tenant to quit his holding shall not interfere with the power of the court to fix such rent, or with any right of the tenant resulting from the rent being so fixed; and in such case any order made by the court for fixing the rent shall operate in the same manner as if such order had been made on the day of the date of application.

Provided, that proceedings shall not be taken by a landlord to compel a tenant to quit his holding for breach of any statutory condition, save as follows:

(*a*.) Where the condition broken is a condition relating to payment of rent, then by ejectment subject to the provisions of the statutes relating to ejectment for non-payment of rent; and

(*b*) Where the condition broken is any other statutory condition, then by ejectment founded on notice to quit.

(4.) Where a notice to quit is served by a landlord upon a tenant for the purpose of compelling the tenant to quit his holding during the continuance of a statutory term in his tenancy in consequence of the breach by the tenant of any statutory condition other than the condition relating to payment of rent, the tenant may, at any time before the commencement of an ejectment founded on such notice to quit, apply to the land commission, and after the commencement, or at the hearing of any such ejectment, may apply to the court in which the ejectment is brought, for an order restraining the landlord from taking further proceedings to enforce such notice to quit.

If the land commission or court to which such application is made are of opinion that adequate satisfaction for the breach of such condition can be made by the payment of damages to the landlord, and that the tenant may justly be relieved from the liability to be compelled to quit his holding in consequence of such breach, the commission or court may make an order restraining further proceedings on the notice to quit, upon the payment by the tenant of such sum for damages as they shall then, or after due inquiry, award to the landlord in satisfaction for the breach of the statu-

tory condition, together with the costs incurred by the landlord in respect to the notice to quit and the proceedings subsequent thereto.

If the land commission or court are of opinion that no appreciable damage has accrued to the landlord from the breach of such condition, and that the tenant may justly be relieved as aforesaid, they may make an order restraining further proceedings on the notice to quit, upon such terms as to costs as they may think just.

(5.) The service of a notice to quit, to enforce which no proceedings are taken by the landlord, or the proceedings to enforce which are restrained by the court, shall not operate to determine the tenancy.

(6.) A tenant compelled to quit his holding during the continuance of a statutory term in his tenancy, in consequence of the breach by the tenant of any statutory condition, shall not be entitled to compensation for disturbance.

Limited administration for purposes of sale.

**14.** The court on being satisfied that the tenant of any holding within the jurisdiction of the court has died, and that the tenancy of such tenant ought to be sold under this Act, and that there is no legal personal representative of such tenant, or no legal personal representative whose services are available for the purpose of selling the tenancy, may, on such terms and conditions, if any, as they may think fit, appoint any proper person to be administrator of the deceased tenant, limited to the purposes of such sale, and such limited administrator shall, for the purpose of selling the tenancy, represent the deceased tenant in the same manner as if the tenant had died intestate, and administration had been duly granted to such limited administrator of all the personal estate and effects of the deceased tenant.

Such limited administrator shall pay to the landlord, out of the purchase money, any sums due to the landlord by the deceased tenant in respect of his tenancy, and may pay the residue of the purchase money to a general administrator (if any) or into court.

Provision for determination of estate of immediate landlord.

**15.** If in the case of any holding the estate of the immediate landlord for the time being is determined during the continuance of any tenancy from year to year, whether subject or not subject to statutory conditions, the next superior landlord for the time being shall, for the purposes of this Act, during the continuance of such tenancy stand in the relation of immediate landlord to the tenant of the tenancy, and have the rights and be subject to the obligations of an immediate landlord.

Provision as to certain small tenancies.

**16.** A tenancy for a year certain created after the passing of this Act shall, for the purposes of this Act and of the Landlord and Tenant (Ireland) Act, 1870, be deemed to be a tenancy from year to year.

A tenant holding under a tenancy less than a yearly tenancy created after the passing of this Act shall have the same rights under this Act as a yearly tenant, except where land is let merely for temporary convenience or to meet a temporary necessity

Provision as to certain claims of pasturage and turbary

**17.** Where the tenant of a holding by virtue of his tenancy exercises, in common with other persons, over uninclosed land a right of pasturing or turning out cattle or other animals, or exercises a right of cutting and taking turf in common with other

persons (which other persons, together with the tenant, are in this section referred to as commoners), then if such holding becomes subject to a statutory term the court may, during the continuance of such term, on the application of the landlord, or of any commoner, by order restrain the tenant from exercising his right of pasture or cutting or taking turf in any manner other than that in which it may be proved to the court that he is, under the circumstances and according to the ordinary usage which has prevailed with the express or implied consent of the landlord amongst the commoners, reasonably entitled to exercise the same.

Letting for labourers cottages not to be within the restrictions of Act.

**18.** Any person prohibited under this Act from letting or sub-letting a holding may, after service of the prescribed notice upon the landlord, with the sanction of the court, and with power for the court to prescribe such terms as to rent and otherwise as the court thinks just, let any portion of land in a situation to be approved by the landlord, or failing such approval to be determined by the court, with or without dwelling-houses thereon to or for the use of labourers bonâ fide employed and required for the cultivation of the holding, and such letting shall not be deemed to be a sub-letting within the meaning of this Act, or to be a letting prohibited by this Act; and notwithstanding such sub-letting the tenant shall for the purposes of this Act be deemed to be still in occupation of the holding.

Provided, that the land comprised in each letting shall not exceed half an acre in extent, and that where the holding contains not more than twenty-five acres of tillage land, the number of such lettings shall not exceed one, and that where the holding contains more than twenty-five acres of tillage land, but not more than fifty acres of such land, the number of such lettings shall not exceed two; and so in proportion to the acreage of tillage land in the holding after fifty acres.

Power of court, on application for the determination of a judicial rent, to impose conditions as to labourers cottages.

**19.** Where an application is made to the court for the determination of a judicial rent in respect of any holding, the court, if satisfied that there is a necessity for improving any existing cottages or building any new cottages, or assigning to any such cottage an allotment not exceeding half an acre, for the accommodation of the labourers employed on such holding, may, if it thinks fit, in making the order determining such rent, add thereto the terms as to rent and otherwise on which such accommodation for labourers is to be provided by the person making the application.

Where upon any such application the court requires the tenant of the holding to improve any existing cottage, or to build any new cottage, such tenant shall be deemed to be a person to whom a loan may be made under the Landed Property Improvement (Ireland) Acts for the improvement or building of dwellings for labourers, as if such person were an owner within the meaning of the seventh section of the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two; but any such loan may be made for a less sum than the sum of one hundred pounds.

Rules as to determination of tenancy.

**20.** A tenancy to which this Act applies shall be deemed to have determined whenever the landlord has resumed possession of the holding either on the occasion of a purchase by him of the tenancy,

or of default of the tenant in selling, or by operation of law, or reverter, or otherwise. Provided that:

(1.) The surrender to the landlord of a tenancy for the purpose of the acceptance or admission of a tenant or otherwise by way of transfer to a tenant shall not be deemed to be a determination of the tenancy:

(2.) Where the landlord has resumed possession of a tenancy from a present tenant, he may, if he thinks fit so to do, reinstate such tenant in his holding as a present tenant; and thereupon such tenancy shall again become subject to all the provisions of this Act which are applicable to present tenancies;

Provided always, that the landlord and tenant may at the time of such reinstatement agree on the rent to be paid by such tenant, and in such case such agreement shall have the same effect as if the rent so agreed on were a judicial rent fixed by the court under the provisions of this Act;

(3.) Where a present tenancy in a holding is purchased by the landlord from the tenant in exercise of his right of pre-emption under this Act, and not on the application or by the wish of the tenant, or as a bidder in the open market, then if the landlord within fifteen years from the passing of this Act re-lets the same holding to another tenant, the same shall be subject from and after the time when it has been so re-let, to all the provisions of this Act which are applicable to present tenancies;

(4.) A tenant holding under the Ulster tenant-right custom, or a usage corresponding to the Ulster tenant-right custom, shall be entitled to the benefit of such custom, notwithstanding any determination of his tenancy by breach of a statutory condition or of an act or default of the same character as the breach of a statutory condition.

Whenever a present tenancy is sold in consequence of a breach by the tenant, after the passing of this Act, of a statutory condition, or, in the case of a tenancy not subject to statutory conditions, of an act or default on the part of a tenant, after the passing of this Act, which would, in a tenancy subject to such conditions, have constituted a breach thereof, the purchaser or his successors in title in such tenancy shall not at any time thereafter be entitled to apply to the court under this Act to fix a judicial rent for the holding; but this provision shall not prejudice or affect the right of such purchaser or his successors to hold at such judicial rent during the residue of such statutory term, if any, as the holding may then be subject to, under the provisions of this Act.

Provisions as to existing leases.

**21.** Any leases or other contracts of tenancy existing at the date of the passing of this Act, except yearly tenancies and tenancies less than yearly tenancies, which said existing leases and contracts of tenancies (except as aforesaid) are in this section referred to as existing leases, shall remain in force to the same extent as if this Act had not passed, and holdings subject to such existing leases shall be regulated by the lawful provisions contained in the said leases, and not by the provisions relating to tenancies in that behalf contained in this Act: Provided that at the expiration of such existing leases, or of such of them as shall expire within sixty years

after the passing of this Act, the lessees, if bonâ fide in occupation of their holdings, shall be deemed to be tenants of present ordinary tenancies from year to year, at the rents and subject to the conditions of their leases respectively, so far as such conditions are applicable to tenancies from year to year; but this provision shall not apply where a reversionary lease of the holding has been bonâ fide made before the passing of this Act; and provided also that where it shall appear to the satisfaction of the court that the landlord desires to resume the holding for the bonâ fide purpose of occupying the same as a residence for himself, or as a home farm in connexion with his residence, or for the purpose of providing a residence for some member of his family, the court may authorise him to resume the same accordingly, in the manner and on the terms provided by the fifth section of this Act with respect to the resumption of a holding by a landlord: Provided always, that if the holding so resumed shall be at any time within fifteen years after such resumption re-let to a tenant, the same shall be subject, from and after the time of its being so re-let, to all the provisions of this Act which are applicable to present tenancies.

On the termination of any such existing lease in any holding which if it had been held from year to year would have been subject to the Ulster tenant-right custom, or any usage corresponding therewith, the person who would have been entitled to make a claim under the first or second section of the Landlord and Tenant (Ireland) Act, 1870, in respect of the same holding shall be entitled to do so notwithstanding that the holding was held under any such lease, but this proviso shall not apply to leases in which there is contained a provision expressly excluding the Ulster tenant-right custom or a usage corresponding therewith.

33 & 34 Vict. c. 46.

In any case in which the court shall be satisfied that since the passing of the Landlord and Tenant (Ireland) Act, 1870, the acceptance by a tenant from year to year of a lease of his holding containing terms which, in the opinion of the court, were at the time of such acceptance unreasonable or unfair to the tenant, having regard to the provisions of the said Act, was procured by the landlord by threat of eviction or undue influence, the court may, upon the application of the tenant made within six months after the passing of this Act, declare such lease to be void as and from the date of the application or order, and upon such terms as to costs or otherwise as to the court shall seem just; and thereupon the tenant shall as and from such date be deemed to be the tenant of a present ordinary tenancy from year to year at the rent mentioned in such lease. Any person aggrieved by the decision of the court in any proceedings under this section may, by leave of the court, which leave shall be granted unless the court shall consider the appeal frivolous or vexatious, appeal to Her Majesty's Court of Appeal in Ireland, and the decision of the said Court of Appeal shall be final and conclusive.

*Extent of Power to contract out of Act.*

Contracts inconsistent with Act, how far void.

**22.** A tenant whose holding or the aggregate of whose holdings is valued under the Act relating to the valuation of rateable property in Ireland at an annual value of not less than one hundred

and fifty pounds, shall be entitled by writing under his hand to contract himself out of any of the provisions of this Act or of the Landlord and Tenant (Ireland) Act, 1870.

Where the tenancy in a holding subject to the Ulster tenant-right custom or to any corresponding usage, has been purchased by the landlord from the tenant by voluntary purchase before the passing of this Act, then, if at the date of the passing of this Act the owner of any such holding is in actual occupation thereof, it shall be lawful, in the case of the first tenancy created in the holding after the passing of this Act, for the parties to the contract creating the same, by writing under their hands, to provide that such tenancy shall be exempt from the provisions of section one of this Act.

Save as in this section mentioned any provision contained in any lease or contract of tenancy or other contract made after the passing of this Act, which provision is inconsistent with any of the foregoing provisions of this Act or with any of the provisions of the Landlord and Tenant (Ireland) Act, 1870, shall be void.

*Limited Owner.*

Powers of limited owner.

**23.** A landlord being a limited owner, as defined by the twenty-sixth section of the Landlord and Tenant (Ireland) Act, 1870, may exercise under the foregoing provisions of this Act any powers which he might exercise if he were an absolute owner, with this exception, that except in the case of a body corporate, commissioners, or other like body, a limited owner shall not grant a judicial lease or create a fixed tenancy without the sanction of the court. Any fines or principal moneys arising from the exercise of such powers shall be dealt with in manner provided by the Lands Clauses Consolidation Acts hereafter in this Act defined with respect to the purchase money or compensation coming to parties having limited interests.

In the case of any holding subject to mortgage the prescribed notice of any agreement between landlord and tenant for granting a judicial lease or creating a fixed tenancy of such holding under the foregoing provisions of this Act, shall be served upon the mortgagee, and the mortgagee shall be entitled to intervene in such proceedings in the prescribed manner and subject to the prescribed conditions.

## PART V.

### ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND, AND EMIGRATION.

*Acquisition of Land by Tenants.*

Advances to tenants by commission for purchase of holdings.

**24.** (1.) The land commission, out of moneys in their hands, may, if satisfied with the security, advance sums to tenants for the purpose of enabling them to purchase their holdings, as follows, that is to say,—

(a.) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the payment of a principal sum,

the land commission may advance to the tenant for the purposes of such purchase, any sum not exceeding three fourths of the said principal sum.

(*b.*) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the tenant paying a fine and engaging to pay to the landlord a fee farm rent,

the land commission may advance to the tenant for the purposes of such purchase, any sum not exceeding one half of the fine payable to the landlord.

Provided that no advance shall be made by the land commission under this section on a holding subject to a fee farm rent, where the amount of such fee farm rent exceeds seventy-five per cent. of the rent which, in the opinion of the land commission, would be a fair rent for the holding.

(2.) Sales by landlords to tenants may on the application of either landlord or tenant be negotiated and completed through the medium of the land commission at a fixed price or percentage, according to a scale to be settled from time to time by the land commission with the consent of the Treasury.

(3.) Where an estate is subject to incumbrances, or any doubt arises as to the title, the land commission, if satisfied with the indemnity or terms given by the landlord, may themselves indemnify the tenant against any such incumbrances, or any right, title, or interest adverse to or in derogation of the title of the landlord, and any such indemnity of the land commission shall be a charge upon the Consolidated Fund or the growing produce thereof.

Power to limited owner to sell holding and leave one-fourth of price of holding on mortgage.

**25.** A landlord of a holding, being a limited owner as defined by the twenty-sixth section of the Landlord and Tenant (Ireland) Act, 1870, may by agreement, subject to the provisions of the Lands Clauses Consolidation Acts (except so much of the same as relates to the purchase of lands otherwise than by agreement), sell and convey such holding to the tenant, and may exercise to the same extent as if he were an absolute owner the power of permitting any sum not exceeding one-fourth in amount of the price which the tenant may pay as purchase money, to remain as a charge upon such holding secured by a mortgage, and in case of any advance being made by the land commission under the provisions of this Act to the tenant for the purchase of such holding any such mortgage shall be subject to any charge in favour of the land commission for securing such advance; and any such mortgage and the principal money secured thereby shall be deemed to be part of the purchase money or compensation payable in respect of the purchase of such holding, and shall be dealt with accordingly in manner provided by the Lands Clauses Consolidation Acts; and in the construction of the said Acts for the purposes of this section the expression "the special Act" shall be construed to mean this Act, and the expression "the promoters of the undertaking" shall be construed to mean the tenant.

Purchase of estates by commission and resale in parcels to tenants.

**26.** (1.) Any estate may be purchased by the land commission for the purpose of reselling to the tenants of the lands comprised in such estate their respective holdings, if the land commission are satisfied with the expediency of the purchase, and are further

satisfied that a competent number of the tenants are able and willing to purchase their holdings from the land commission.

(2.) The sale by the land commission of a holding to the tenant thereof may be made either in consideration of a principal sum being paid as the whole price (whether paid immediately or by means of such advance as in this part of this Act mentioned) or in consideration of a fine and of a fee farm rent, with this qualification, that the amount of the fee farm rent shall not exceed seventy-five per cent. of the rent which in the opinion of the land commission would be a fair rent for the holding.

(3.) For the purposes of this section a competent number of tenants means a body of tenants who are not less in number than three fourths of the whole number of tenants on the estate, and who pay in rent not less than two thirds of the whole rent of the estate, and of whom a number, comprising not less than one half of the whole number of tenants on the estate, are able and willing to pay the whole price of their holdings, either immediately or by means of such advances as in this part of this Act mentioned.

The condition as to three fourths of the number of tenants may be relaxed on special grounds with the consent of the Lords Commissioners of the Treasury, but so that in no case less than half the number of tenants shall be able and willing to purchase.

(4.) The land commission may advance to a tenant proposing to pay the whole price of his holding any sum not exceeding seventy-five per cent. of the said price, and to a tenant purchasing subject to a fee farm rent a sum not exceeding one half of the amount of the fine payable by the tenant.

(5.) In sales by the land commission to tenants in pursuance of this section, a separate charge shall not be made for any expenses relating to the purchase, sale, or conveyance of the property, but such expenses shall be included in the price or fine payable by the purchaser.

The land commission may, if they are satisfied with the indemnity or terms offered or given by the vendor, purchase for the purposes of this section an estate subject to incumbrances, or an estate subject to any right, title, or interest adverse to or in derogation of the title of the vendor, and the land commission may indemnify any person to whom they may sell any holding under this section against any such incumbrances or the enforcement of any such right, title, or interest, and such indemnity shall be a charge on the Consolidated Fund or the growing produce thereof.

Sale to public of parcels not purchased by tenants.

**27.** Where the land commission have purchased an estate, they may sell any parcels which they do not sell to the tenants thereof in such manner as they think fit, in consideration either of a principal sum as the whole price, or of a fine and a fee farm rent, or partly in one way and partly in the other.

The land commission may advance to any purchaser of a parcel under this section, on the security of such parcel, one half of the principal sum paid as the whole price or of the fine.

The provisions of this part of this Act with respect to the charges for expenses and to the mode in which sales are to be made and to the indemnity which the land commission may give to the purchaser shall, except so far as the land commission otherwise

direct, apply to the sale of a parcel in pursuance of this section in like manner as if the purchaser had been the tenant of the holding at the time of his making the purchase.

Terms of repayment of advances made by commission.

**28.** (1.) Any advance made by the land commission for the purpose of supplying money for the purchase of a holding from a landlord or of a holding or parcel from the land commission, shall be repaid by an annuity in favour of the land commission for thirty-five years of five pounds for every hundred pounds of such advance, and so in proportion for any less sum.

(2.) Every such advance shall be secured to the commission either in such manner as may be agreed on between the commission and the person to whom the advance is made, and as the commission think sufficient, or in manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, in like manner in all respects as if the same were such an advance as is mentioned in those Acts, and as if the land commission were the Board therein mentioned, and as if the person receiving the advance were a tenant or purchaser therein mentioned.

33 & 34 Vict. c. 46.
35 & 36 Vict. c. 32.

(3.) Any person liable to pay an annuity in this section mentioned may redeem the same, or any part thereof, or may pre-pay any instalments thereof in such manner and on such terms as is provided by section fifty-one of the Landlord and Tenant (Ireland) Act, 1870, or in such other manner, and on such other terms, as the Treasury may from time to time approve, having regard to the due repayment of the loan and the protection of the land commission against loss by the said loan.

Provision as to purchases and sales by land commission.

**29.** (1.) The land commission shall not purchase a leasehold estate under this part of this Act, unless the lease is for lives or years renewable for ever, or is for a term of years of which not less than sixty are unexpired at the time when the sale is made, or unless the land commission have purchased some greater right or interest in the estate in which the leasehold would be merged: Provided that—

(*a.*) This part of this Act shall not empower the owner of a leasehold holding under a lease containing a prohibition against alienation to sell such leasehold unless such prohibition is determined or is waived; and

(*b.*) Nothing in this section shall prevent the purchase of an estate by reason only of a small part thereof being leasehold.

(2.) Any body corporate, public company, trustees for charities, commissioners or trustees for collegiate or other public purposes, or any person having a limited interest in an estate or any right or interest therein, may sell the same to the land commission, and for the purpose of the purchase by the land commission of any estate or any right or interest therein the Lands Clauses Consolidation Acts (except so much as relates to the purchase of land otherwise than by agreement) shall be incorporated with this Act, and in construing those Acts for the purposes of this section the "special Act" shall be construed to mean this Act, and "the promoters of the undertaking" shall be construed to mean the land commission, and "land" shall be construed to include any right or interest in land.

(3.) For the purpose of this Act "the Lands Clauses Consolidation Acts" means the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

(4.) Any sale of a holding to a tenant by a landlord, also any sale to a tenant of a holding by the land commission in pursuance of this part of this Act, may be made either in pursuance of Part II. of the Landlord and Tenant (Ireland) Act, 1870, or in such manner as the land commission may think expedient; and for the purpose of the application of the said Part II., "price" in section thirty-two of the Landlord and Tenant (Ireland) Act, 1870, shall be deemed to include a fine and a fee farm rent as well as a principal sum, and the enactments relating to the distribution of the price shall apply with the necessary modifications.

Conditions annexed to holdings whilst subject to advances.

**30.** (1.) As between the land commission and the proprietor for the time being of any holding for the purchase of which the land commission have advanced money in pursuance of this part of this Act, the following conditions shall be imposed so long as such holding is subject to any charge in respect of an annuity in favour of the land commission; that is to say,

(*a.*) The holding shall not be subdivided or let by such proprietor without the consent of the land commission until the whole charge due to the land commission has been repaid:

(*b.*) Where the proprietor subdivides or lets any holding or part of a holding in contravention of the foregoing provisions of this section, the land commission may cause the holding to be sold:

(*c.*) Where the title to the holding is divested from the proprietor by bankruptcy, the land commission may cause the holding to be sold:

(*d.*) Where, on the decease of the proprietor, the holding would by reason of any devise, bequest, intestacy, or otherwise, become sub-divided the land commission may require the holding to be sold within twelve months after the death of the proprietor to some one person, and if default is made in selling the same, the land commission may cause the same to be sold.

(2.) The land commission may cause any holding which under this section they can cause to be sold, or any part of such holding, to be sold by public auction or private contract, and subject to any conditions of sale they may think expedient, and after such notice of the time, place, terms, and conditions of such sale, as they think just and expedient; and the land commission may convey such holding to the purchaser in like manner in all respects as if the holding had been vested in the land commission.

(3.) The land commission shall apply the proceeds derived from such sale in payment, in the first instance, of all moneys due to them in respect of the holding, and in redemption on the terms specified in section fifty-one of the Landlord and Tenant (Ireland) Act, 1870, of any annuity charged on the said holding, in favour of the commission, or of so much thereof as remains unpaid, and of all expenses incurred by the land commission in relation to such sale or otherwise with respect to the holding, and shall pay the

balance to the persons appearing to the land commission to be for the time being entitled to receive the same.

Provided, that in respect of any holding which is subject to any charge in respect of an annuity in favour of the Board of Works, created in pursuance of the Landlord and Tenant (Ireland) Act, 1870, the said Board may, if they shall see fit, at any time during the continuance of such charge, upon the application of the person for the time being liable to pay the same, declare such holding to be subject to the conditions imposed by this Act on a holding subject to any charge in respect of an annuity in favour of the land commission; and thenceforth so much of the forty-fourth and forty-fifth sections of the said Landlord and Tenant (Ireland) Act, 1870, as prohibits, without the consent of the Board, the alienation, assignment, sub-division, or sub-letting of a holding charged as in the said section mentioned, and declares that in the event of such prohibition being contravened the holding shall be forfeited to the Board, and also so much of section two of the Landlord and Tenant (Ireland) Act, 1872, as relates to the sale of holdings in lieu of forfeiture, shall, as to the holding in respect of which such a declaration has been made, be repealed, and the conditions imposed by this Act on a holding subject to any charge in respect of an annuity in favour of the land commission shall apply to the holding in respect whereof the said declaration has been made in the same manner as if the said conditions had been made applicable to the said last-mentioned holding by the said Acts of one thousand eight hundred and seventy and one thousand eight hundred and seventy-two, and the said Board had thereby been authorised to enforce the said conditions.

*Reclamation of Land, and Emigration.*

Reclamation of land.

**31.** (1.) The Treasury may authorise the Board of Works to advance from time to time out of any moneys in their hands to companies, if they are satisfied with the security, such sums as the Treasury think expedient for the purpose of the reclamation or improvement of waste or uncultivated land or foreshores, drainage of land, or for building of labourers dwellings, or any other works of agricultural improvement.

(2.) The Treasury may authorise the Board of Works to make advances for like purposes to an occupier of land, when satisfied that the tenancy or other security which he may have to offer is such as to insure repayment of principal and interest within such number of years as the Treasury may fix, or when the landlord joins the occupier in giving such security.

Any advance to an occupier under this sub-section shall be subject to the provisions of the Landed Property Improvement (Ireland) Acts, so far as the Treasury may declare the same to be applicable, and shall have priority over all charges and incumbrances whatever upon the tenancy of such occupier, except rent, unless the landlord is a party to the advance, and agrees to postpone the rent to it; but before such advance is made one month's previous notice thereof shall be given in a newspaper circulating in the district within which the said holding is situated, and in such other manner as the Board of Works may prescribe; and such advance shall not

have priority over any charge or incumbrance of which the Board of Works may have had notice in writing given them before making the advance.

(3.) The Board of Works shall not make to any company in pursuance of this section any advances exceeding in the whole the sums which such company may, within such period as may be determined by the Board of Works, have advanced or expended out of their own moneys for some one of the purposes of this section, nor any advances without proper security that those advances shall be expended for such purposes as aforesaid in addition to the sums advanced or expended by the company out of their own moneys.

(4.) Advances made by the Board of Works to a company in pursuance of this section shall be made repayable within such periods and at such rate of interest as are set forth in a minute of the Treasury made on the sixteenth day of August, one thousand eight hundred and seventy-nine, with reference to loans to which section two of the Public Works Loans Act, 1879, applies, or as the Treasury may from time to time fix in pursuance of that section, and save as regards such periods and rate of interest the enactments relating to loans made by the Board of Works for the like purposes to those above in this section mentioned shall, so far as is consistent with this section, apply in like manner as if an advance under this section were a loan made in pursuance of those enactments. 42 & 43 Vict c. 77.

Emigration

**32.** The land commission may from time to time, with the concurrence of the Treasury, and on being satisfied that a sufficient number of people in any district desire to emigrate, enter into agreements with any person or persons having authority to contract on behalf of any state or colony or public body or public company with whose constitution and security the land commission may be satisfied, for the advance by the commission by way of loan, out of the moneys in their hands, of such sums as the commission may think it desirable to expend in assisting emigration especially of families and from the poorer and more thickly populated districts of Ireland. Such agreements shall contain such provisions relative to the mode of the application of the loans and the securing and repayment thereof to the commission, and for securing the satisfactory shipment, transport, and reception of the emigrants, and for other purposes, as the commission with the concurrence of the Treasury approve. Such loans shall be made repayable within the periods and at the rate of interest within and at which advances by the Board of Works for the purpose of the reclamation or improvement of land are directed by this Act to be made repayable: Provided always, that there shall not be expended by virtue of the authority hereby given a greater sum than two hundred thousand pounds in all, nor a greater sum than one-third part thereof in any single year.

*Supplemental Provisions.*

Supply of money to land commission for purposes of Act.

**33.** The Treasury may from time to time, as they think fit, issue the sums required for advances or purchases of estates by the land commission under this part of this Act not exceeding the sums annually granted by Parliament for the purpose; and sections

40 & 41 Vict. c. 27.

twelve, thirteen, fourteen, and fifteen of the Public Works Loans (Ireland) Act, 1877, shall apply in like manner as if they were herein enacted, with the substitution of "Land Commission" for "the Commissioners of Public Works," and as if the said sums required by the land commission were the loans in the said sections mentioned.

Proceedings of commission.

**34.** (1.) The land commission before buying any estate shall reasonably satisfy themselves that a resale can be effected without loss.

(2.) The land commission upon purchasing any estate shall certify to the Treasury that they are satisfied with the matters of which they are by this section, or by any other provision of this part of this Act, required to be satisfied before such purchase, and such certificate shall be conclusive evidence to any purchaser that they were so satisfied and that the purchase was made in accordance with this Act.

(3.) An advance made by the land commission to a purchaser of a holding or of any parcel of land, in respect of any one purchase by him under this Act whether from the landlord or from the land commission, shall not exceed three thousand pounds, unless the commission report to the Treasury that by reason of special circumstances they deem it expedient to make an advance not exceeding five thousand pounds, in which case they may make such advance with the approval of the Treasury.

(4.) The land commission shall, from time to time, by sale by auction, or in such other manner as may be allowed by the Treasury, dispose of all fee farm rents for the time being vested in them.

(5.) The land commission shall in purchasing estates, in making advances, in dealing with the funds that come into their possession, and in accounting for the same, and generally in the performance of their duties under this part of this Act, conform to any directions, whether given on special occasions or by general rule or otherwise, which may from time to time be given to them by the Treasury, and shall from time to time report as the Treasury may direct all matters which may be transacted by the land commission.

(6.) All sums received by the commission as repayments of any advance, and all sums received by the commission for fees, percentages, rents, or otherwise shall, except so far as they may be applied under directions from the Treasury in payment of expenses, be paid into the Exchequer.

Transfer of purchase powers of Board of Works to land commission.

**35.** All powers exerciseable by the Board of Works under the Landlord and Tenant (Ireland) Act, 1870, and the Landlord and Tenant (Ireland) Act, 1872, in relation to the purchase by tenants of their holdings shall, after the passing of this Act, and subject to the provisions of this Act, be transferred to and may be exercised by the land commission, and the said Acts and any enactments amending the same so far as they relate to the matter aforesaid shall be construed as if the land commission were substituted for the Board: Provided that this section shall not affect or interfere with any of the powers of the Board of Works in relation to any transactions which are completed before the passing of this Act or which the Board declare are being carried into effect at the passing of this Act

**36.** In fixing the purchase moneys, fines, rents, fees, per-centages, and other sums to be charged or made payable to the land commission in respect of transactions under this part of this Act care shall be taken to fix the same in such manner as to make the amount resulting therefrom, as nearly as can be estimated, not less than the amount required to defray the expenses. Rule as to fixing per-centages, purchase-moneys, &c.

## Part VI.

## Court and Land Commission.

### *Description of Court and Proceedings.*

**37.** (1.) The expression "The Court" as used in this Act shall mean the civil bill court of the county where the matter requiring the cognizance of the court arises. Court to mean civil bill court.

(2.) Where a matter requiring the cognizance of the court arises in respect of a holding situate within the jurisdiction of more than one civil bill court, any civil bill court within the jurisdiction of which any part of the holding is situate may take cognizance of the matter.

(3.) Any proceedings which might be instituted before the civil bill court may, at the election of the person taking such proceedings, be instituted before the land commission, and thereupon the land commission shall, as respects such proceedings, be deemed to be the court.

(4.) Where proceedings have been commenced in the civil bill court any party thereto may, within the prescribed period, apply to the land commission to transfer such proceedings from the civil bill court to the land commission; and thereupon the land commission may order the same to be transferred accordingly.

(5.) The court shall have jurisdiction in respect of all disputes between landlords and tenants arising under this Act.

(6.) In determining any question relating to a holding, the court may direct an independent valuer to report to the court his opinion on any matter the court may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the court to form a judgment as to the subject-matter of such report. The court may or may not, as it thinks fit, adopt the report of such valuer, and it may make such order with respect to the costs incurred in respect of such report as it thinks just.

**38.** There shall be incorporated with this Act the following provisions of the Landlord and Tenant (Ireland) Act, 1870, as if the purposes therein referred to included the purposes of this Act; that is to say, Incorporation of certain provisions of 33 & 34 Vict. c. 46.

(1.) Section twenty-three, relating to the powers of the judge of the civil bill court; and section twenty-five, relating to the court of arbitration;

(2.) Section forty, relating to the apportionment of rents, and in that section rents shall include any rent payable to the Crown;

(3.) Section fifty-nine, relating to administration on death of tenant;

(4.) Section sixty, containing provisions as to married women;

(5.) Section sixty-one, containing provisions as to other persons under disability;

(6.) Section sixty-two, relating to additional sittings of civil bill court;

(7.) Section sixty-four, relating to power to appoint a substitute in civil bill court if judge cannot attend.

Exceptional provisions for certain officers. 40 & 41 Vict. c. 56.

**39.** There shall be paid, out of moneys to be provided by Parliament, to clerks of the peace appointed to their office before the fourteenth day of August one thousand eight hundred and seventy-seven, and who have not accepted any permanent office under the County Officers and Courts (Ireland) Act, 1877, and also to clerks of the Crown and peace who, under the provisions of the sixteenth section of the said Act have elected to continue to practise as solicitors, such annual sums, by way of remuneration for any additional duties imposed on them by this Act, as the Lord Lieutenant, with the consent of the Treasury, may direct

Notwithstanding the conditions imposed by any other Act upon the grant of a pension to a county court judge, it shall be lawful for the Lord Lieutenant, with the concurrence of the Lord Chancellor and of the Treasury, at any time before the first day of January one thousand eight hundred and eighty-four, to grant to any county court judge now entitled to practise at the bar who shall show to the satisfaction of the Lord Lieutenant and the Treasury that the discharge of the additional duties imposed on him by this Act would deprive him of professional emoluments which, if this Act had not been passed, he would have received, such special retiring pension, not exceeding two-thirds of his salary, as having regard to the circumstances of each case, shall appear to the Lord Lieutenant and the Treasury to be reasonable.

## *Arbitration.*

Reference to arbitration.

**40.** Any matter capable of being determined by the court under this Act, may, if the parties so agree, be decided by arbitration, and an arbitration shall be conducted by the court of arbitration in manner provided by the Landlord and Tenant (Ireland) Act, 1870, and where the amount of rent is decided by arbitration, such rent shall for the purposes of this Act be deemed to be the judicial rent.

## *Appointment and Proceedings of Land Commission.*

Constitution of land commission

**41.** A land commission shall be constituted under this Act consisting of a judicial commissioner and two other commissioners.

The judicial commissioner, and every successor in his office, shall be a person who at the date of his appointment is a practising barrister at the Irish bar of not less than ten years standing.

The judicial commissioner for the time being shall forthwith on his appointment become an additional judge of the Supreme Court of Judicature in Ireland with the same rank, salary, tenure of office, and right to retiring pension as if he had been appointed a puisne judge of one of the common law divisions of the High Court of Justice.

He may be required by order of the Lord Lieutenant in Council to perform any duties which a judge of the said Supreme Court of

Judicature is by law required to perform; but, unless so required, he shall not be bound to perform any of such duties.

The first judicial commissioner shall be Mr. Serjeant O'Hagan.

If any vacancy occurs in the office of the judicial commissioner by death, resignation, incapacity, or otherwise, Her Majesty may, by warrant under the Royal Sign Manual, appoint some other qualified person to fill the vacancy.

The two commissioners, other than the judicial commissioner, shall respectively hold their offices for seven years next succeeding the passing of this Act.

If during the said period of seven years a vacancy occurs in the office of any of such other commissioners by death, resignation, incapacity, or otherwise, Her Majesty may by warrant under the Royal Sign Manual appoint some other fit person to fill such vacancy, but the person so appointed shall hold his office only until the expiration of the said period of seven years.

The first commissioners, other than the judicial commissioner, shall be Mr. Edward Falconer Litton and Mr. John E. Vernon.

Incorporation of commission.

**42.** The land commission under this Act shall be a body corporate, with a common seal, and a capacity to acquire and hold land for the purposes of this Act, and shall be styled "The Irish Land Commission."

Judicial notice shall be taken by all courts of justice of the corporate seal of the land commission, and any order or other instrument purporting to be sealed with it shall be received as evidence without further proof.

Appointment of assistant commissioners.

**43.** The Lord Lieutenant may from time to time, with the consent of the Treasury as to number, appoint and by Order in Council remove assistant commissioners, who shall have the prescribed qualifications and hold office for the prescribed times.

The central office of the land commission shall be in Dublin, but they may hold sittings in any other part of Ireland.

The land commission may form sub-commissions in any province, particular district or districts of Ireland, and such sub-commissions shall consist of such number of the said assistant commissioners or of a commissioner and one or more assistant commissioners as the land commission may think fit, and the land commission may delegate to any sub-commission such of the powers, except as to appeals, by this Act conferred upon the land commission, as they think expedient, and may from time to time revoke, alter, or modify any powers so delegated to a sub-commission.

Quorum of commission.

**44.** Any power or act by this Act vested in or authorised to be done by the land commission, except the power of hearing appeals, may be exercised or done by any one member of the land commission or by any sub-commission, with this qualification, that any person aggrieved by any order of one commissioner, or by any order of a sub-commission, may require his case to be reheard by all three commissioners sitting together, except in the case of the illness or unavoidable absence of any one commissioner, when any such case may be heard by two commissioners sitting together; provided that neither of such two commissioners be the commissioner before whom the case was originally heard.

Appointment of officers.

**45.** The land commission may from time to time, with the consent of the Lord Lieutenant, appoint and remove a solicitor and a secretary, and such officers, agents, clerks, and messengers as they, with the consent of the Treasury, and subject to such regulations as the Treasury may from time to time prescribe, deem necessary for the purposes of this Act.

They may also, with the consent of the Treasury, employ such actuaries, surveyors, and other persons as they may think fit for the purpose of enabling the land commission to carry into effect any of the provisions of this Act.

Salaries of commission.

**46.** There shall be paid to each of the commissioners, other than the judicial commissioner, a salary not exceeding three thousand pounds a year, and to the assistant commissioners, secretary, officers, and other persons above mentioned such salaries or remuneration as the Lord Lieutenant may, with the consent of the Treasury, determine.

The salaries of the commissioners, other than the Judicial Commissioner, and of the assistant commissioners, and of all persons employed by the land commission, and all expenses incurred by the land commission in carrying into effect this Act, not otherwise provided for, shall be paid out of moneys provided by Parliament.

Appeal to land commission.

**47.** Any person aggrieved by the decision of any civil bill court with respect to the determination of any matter under this Act or under the Landlord and Tenant (Ireland) Act, 1870, may appeal to the land commission, and such commission may confirm, modify, or reverse the decision of the civil bill court. All appeals to the land commission under this Act shall be heard by all three commissioners sitting together, except in the case of illness or unavoidable absence of any one commissioner, when any appeal may be heard by two commissioners sitting together, one of whom shall be the Judicial Commissioner.

The land commission may determine any appeal in Dublin or may proceed to any place or places in Ireland for the purpose of from time to time determining the same.

33 & 34 Vict. c. 46.

The twenty-fourth section of the Landlord and Tenant (Ireland) Act, 1870, is hereby repealed. All appeals under the said section pending at the time of the passing of this Act are hereby transferred to the land commission; and all further proceedings thereon shall be taken in the prescribed manner.

Powers of commission.

**48.** (1.) For the purposes of this Act the land commission shall have full power and jurisdiction to hear and determine all matters, whether of law or fact, and shall not be subject to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

(2.) The land commission may of its own motion, or shall on the application of any party to any proceeding pending before it, unless it considers such application frivolous and vexatious, state a case in respect of any question of law arising in such proceedings, and refer the same for the consideration and decision of Her Majesty's Court of Appeal in Ireland.

The land commission may also, in case it thinks fit, permit any party aggrieved by the decision of the land commission in any

proceedings to appeal in respect of any matter arising in such proceedings to Her Majesty's Court of Appeal in Ireland; provided that no appeal from the land commission to the Court of Appeal in Ireland shall be permitted in respect of any matter arising under Part V. of this Act, or in respect of any decision as to the amount of fair rent, or any question of value or of damages, or any matter left in the discretion of the land commission.

The decision of the said Court of Appeal on any such question so referred to it shall be final and conclusive.

(3.) The land commission with respect to the following matters; that is to say,

(*a.*) Enforcing the attendance of witnesses, (after a tender of their expenses,) the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents; and

(*b.*) Issuing any commission for the examination of witnesses; and

(*c.*) Punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the land commission or any of them sitting in open court; and

(*d.*) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act;

shall have all such powers, rights, and privileges as are vested in the Chancery Division of the High Court of Justice in Ireland for such or the like purposes, and all proceedings before the land commission shall in law be deemed to be judicial proceedings before a court of record.

(4.) In determining any question relating to a holding the commission may direct an independent valuer to report to it his opinion on any matter the commission may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the commission to form a judgment as to the subject matter of such report. The commission may or may not, as it thinks fit, adopt the report of such valuer, and it may make any such order with respect to the costs incurred in respect of such report as it thinks just.

(5.) The land commission may review and rescind or vary any order or decision previously made by them, or any of them; but save as by this Act provided every order or decision of the said commission shall be final: Provided always, that any order or decision made by three members of the land commission shall not be reviewed, rescinded, or varied, except by three members of the land commission.

Nothing in this section shall authorise the land commission to determine any question or to exercise any power of a judge in relation to any purchase of an estate by them, or to the purchase of a holding through the medium of the land commission.

Power for land commission and sub-commissioners to employ officers and servants of civil bill court.

**49.** Where the land commission or any sub-commission hold sittings elsewhere than in Dublin, such land commission or sub-commission may use the courthouses commonly used for civil bill purposes or for the holding of courts of petty sessions, and the officers of the civil bill courts shall, in the prescribed manner and at

the prescribed times, be bound to attend the sittings of the said land commission and sub-commissions, and to perform analogous duties to those which they perform in the case of a sitting of the civil bill court.

Rules for carrying Act into effect.

**50.** (1.) The land commission shall from time to time circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when made may rescind, amend, or add to, rules with respect to the following matters, or any of them:

(*a.*) The proceedings on the occasion of sales under this Act:

(*b.*) The proceedings on the occasion of applications to fix judicial rents under this Act and the withdrawal of such applications:

(*c.*) The proceedings in the civil bill court under this Act:

(*d.*) The consolidation of cases and the joinder of parties:

(*e.*) The security (if any) to be given by applicants to, or persons dealing with, the commission:

(*f.*) The proceedings in appeals under this Act:

(*g.*) The proceedings in respect of cases stated for the decision of Her Majesty's Court of Appeal in Ireland under this Act:

(*h.*) The proceedings on the occasion of applications for transfer of cases from the Civil Bill Court to the land commission under this Act:

(*i.*) The qualifications and tenure of office of assistant commissioners:

(*j.*) The forms to be used for the purposes of this Act:

(*k.*) The scale of costs and fees to be charged in carrying this Act into execution, and the taxation of such costs and fees, and the persons by or from whom and the manner in which such costs and charges are to be paid or deducted, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged:

(*l.*) The attendance and discharge of duties by the officers of the civil bill courts before the land commission and sub-commissions when holding sittings under this Act:

(*m.*) The mode in which consents on the part of the land commission or of any landlord, tenant, or other person may be signified under this Act:

(*n.*) The service of notices on mortgagees and persons interested, and any other matter by this Act, or any part of any Act incorporated herewith, directed to be prescribed:

(*o.*) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to the land commission expedient to make rules for the purpose of carrying this Act or any part of any Act incorporated herewith into effect.

(2.) Any rules made in pursuance of this section shall be judicially noticed in all courts of Her Majesty's dominions.

(3.) Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament; and if an Address is presented to Her Majesty by either House of Parliament within the next subsequent one hundred days

on which the said House shall have sat praying that any such rule may be annulled, Her Majesty may thereupon by Order in Council annul the same, and the rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

(4.) The Public Offices Fees Act, 1879, shall apply to fees payable under this Act. 42 & 43 Vict. c. 58.

Service of civil bill processes and limitation of costs. 40 & 41 Vict. c. 56.

**51.** The making of rules and orders prescribing and regulating the mode of service of civil bill processes in ejectment, and for recovery of rent, is hereby declared to be within the provisions of the seventy-ninth section of the County Officers and Courts (Ireland) Act, 1877; and, notwithstanding any other enactment, the service of such processes in the manner prescribed by such rules or orders shall be valid and sufficient.

Whenever an action for the recovery of rent not exceeding twenty pounds or for the recovery of land, whether for nonpayment of rent or for overholding, is brought in the High Court of Justice in Ireland, in any case in which the plaintiff in such action could have sued for the recovery of such rent or land in a civil bill court, the plaintiff in such action shall not be entitled to any costs, unless the judge before whom such action is tried, or the divisional court to which such action is attached, shall by order declare the said plaintiff entitled to costs.

Appearance of parties before commission and sub-commission.

**52.** Subject to rules made under this Act, it shall be lawful for the party to any proceeding before the land commission or any sub-commission, or, with the leave of such commission or sub-commission, for the father or husband of such party, or for a solicitor of the Supreme Court of Judicature in Ireland (but not a solicitor retained as an advocate by such first-mentioned solicitor), or for a barrister retained by or on behalf of such party and instructed by his or her solicitor, but without any right of exclusive audience or pre-audience, to appear and address such commission or sub-commission and conduct the case subject to such rules and regulations as may be from time to time prescribed.

Existence of land commission not to create vested interests.

**53.** No person being a member of the land commission other than the judicial commissioner, or being an assistant commissioner or employed by the land commission, shall by reason of such membership or employment acquire any right to compensation, superannuation, or other allowance on abolition of office or otherwise.

Disqualification for seat in Parliament.

**54.** No person being a member of, or holding office under, the land commission, or being an assistant commissioner, shall, during the time that he holds his office, be capable of being elected a member of or sitting in the Commons House of Parliament.

Annual report by land commission.

**55.** The land commission shall once in every year after the year one thousand eight hundred and eighty-one make a report to the Lord Lieutenant as to their proceedings under this Act, and every such report shall be presented to Parliament.

Audit of account of land commission.

**56.** The land commission shall from time to time prepare in such form and at such times as the Treasury from time to time direct accounts of their receipts and expenditure, and within six months after the expiration of the year to which the accounts relate the land commission shall transmit the same to the Con-

troller and Auditor General to be audited, certified, and reported upon in conformity with the regulations from time to time made by the Treasury for that purpose, and the accounts, with the reports of the Controller and Auditor General thereon, shall be laid before the House of Commons not later than three months after the date on which they were transmitted for audit if Parliament be then sitting, and if not sitting, within fourteen days after Parliament next assembles.

Provided, that the regulations made by the Treasury under this section shall be laid before the House of Commons within one month of the date thereof, if Parliament be then sitting, and, if not, then within fourteen days after Parliament next assembles, and that such regulations shall not have effect until they have lain for thirty days upon the Table of the House.

## PART VII.

### DEFINITIONS, APPLICATION OF ACT, AND SAVINGS.

Definitions.

**57.** In the construction of this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the context repugnant thereto; that is to say,

"Lord Lieutenant" includes the Lords Justices or any other Chief Governor or Governors of Ireland for the time being:

"Treasury" means the Commissioners of Her Majesty's Treasury:

"Board of Works" means the Commissioners of Public Works in Ireland:

"County" includes a riding of a county:

"Contract of tenancy" means a letting or agreement for the letting of land for a term of years or for lives, or for lives and years, or from year to year:

"Tenant" means a person occupying land under a contract of tenancy, and includes the successors in title to a tenant.

Where the tenant sub-lets part of his holding with the consent of his landlord he shall, notwithstanding such sub-letting, be deemed for the purposes of this Act to be still in occupation of the holding.

"Landlord" means the immediate landlord or the person for the time being entitled to receive the rents and profits or take possession of the land held by his tenant, and includes the successors in title to a landlord:

"Holding" during the continuance of a tenancy means a parcel of land held by a tenant of a landlord for the same term and under the same contract of tenancy, and, upon the determination of such tenancy, means the same parcel of land discharged from the tenancy:

"Tenancy" means the interest in a holding of a tenant and his successors in title during the continuance of a tenancy; and "rent of a tenancy" means the rent for the time being payable by such tenant or some one or more of his successors:

"Present tenancy" means a tenancy subsisting at the time of the passing of this Act or created before the first day of January one thousand eight hundred and eighty-three in a

holding in which a tenancy was subsisting at the time of the passing of this Act, and every tenancy to which this Act applies shall be deemed to be a present tenancy until the contrary is proved:

"Future tenancy" means, except as aforesaid, a tenancy beginning after the passing of this Act:

"Ordinary tenancy" means a tenancy to which this Act applies, and which is not a tenancy subject to statutory conditions, or a judicial lease, or a fixed tenancy:

"Sale," "sell," and cognate words include alienation, and alienate, with or without valuable consideration:

"Ejectment" includes action for recovery of land:

"An estate" means any lands which the land commission may by order declare fit to be purchased as a separate estate for the purposes of this Act:

"Prescribed" means prescribed by rules made in pursuance of this Act:

"Landed Property Improvement (Ireland) Acts" means the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to "facilitate the improvement of landed property in Ireland," and any Acts amending or extending the same.

Any words or expressions in this Act which are not hereby defined, and are defined in the Landlord and Tenant (Ireland) Act, 1870, shall, unless there is something in the context of this Act repugnant thereto, have the same meaning as in the last-mentioned Act, and the Landlord and Tenant (Ireland) Act, 1870, except in so far as the same is expressly altered or varied by this Act or is inconsistent therewith, and this Act shall be construed together as one Act.

Tenancies to which the Act does not apply.

**58.** This Act, with the exception of so much thereof as amends the Landlord and Tenant (Ireland) Act, 1870, in respect of compensation for improvements, and with the exception of Part Five of this Act, shall not apply to tenancies in—

(1.) Any holding which is not agricultural or pastoral in its character, or partly agricultural and partly pastoral; or

(2.) Any demesne land, or any land being or forming part of a home farm or any holding ordinarily termed "town-parks" adjoining or near to any city or town which bears an increased value as accommodation land over and above the ordinary letting value of land occupied as a farm, and is in the occupation of a person living in such city or town, or the suburbs thereof; or

(3.) Any holding let to be used wholly or mainly for the purpose of pasture, and valued under the Acts relating to the valuation of property at an annual value of not less than fifty pounds; or

(4.) Any holding let to be used wholly or mainly for the purposes of pasture, the tenant of which does not actually reside on the same, unless such holding adjoins or is ordinarily used with the holding on which such tenant actually resides; or

(5.) Any holding which the tenant holds by reason of his being a hired labourer or hired servant; or

(6.) Any letting in conacre or for the purposes of agistment or for temporary depasturage; or

(7.) Any holding let to the tenant during his continuance in any office, appointment, or employment, or for the temporary convenience or to meet a temporary necessity either of the landlord or tenant: Provided that any such letting made after the passing of this Act shall be by contract in writing, which shall express the purpose for which such letting is made;

(8.) Any cottage allotment not exceeding a half of an acre;

(9.) Any "glebe" as defined by the Act of thirty-eighth and thirty-ninth Victoria, chapter forty-two, which now is, or hereafter shall be held or occupied by any "ecclesiastical persons" as by the same Act defined, and no such ecclesiastical person shall in respect of such glebe be entitled to make any claim for compensation under any of the provisions of the Landlord and Tenant (Ireland) Act, 1870, or of this Act.

Arrears of rent how dealt with.

**59.** Where it appears to the court, on the joint application of the landlord and tenant of any holding valued under the Acts relating to the valuation of rateable property in Ireland at a sum not exceeding thirty pounds a year—

That the tenant has paid the whole (or such sum as the landlord may be willing to accept as the equivalent of the whole) of the rent payable in respect of the year of the tenancy expiring on the gale day next before the passing of this Act, and that antecedent arrears are due, the land commission may make, in respect of such antecedent arrears, an advance of a sum not exceeding one year's rent of the holding, and not exceeding half the antecedent arrears, and thereupon the court shall by order declare the holding to be charged with the repayment of the advance to the land commission, by a rentcharge payable half-yearly during the fifteen years from the date specified in the order, and calculated at the rate of eight pounds ten shillings a year for every hundred pounds of the advance.

Whenever in the case of any tenant evicted for nonpayment of rent since the first day of May one thousand eight hundred and eighty, the landlord agrees to re-instate such tenant on the terms in this section set forth, this section shall apply as if such tenant had not been so evicted from his holding.

The charge declared by the order as aforesaid shall have priority over all charges affecting the holding except quit-rent and Crown rent and sums payable to the Commissioners of Public Works or the Commissioners of Church Temporalities in Ireland, and the landlord for the time being of the holding shall pay to the land commission the sum for the time being due on account of such rentcharge.

Every half-yearly amount of such rentcharge shall be deemed to be an addition to the half-year's rent of the holding (whether a judicial rent or otherwise) due from the tenant to the landlord, and may be recovered by the landlord accordingly.

On the order of the court being made as aforesaid in relation to any holding, all arrears of rent due in respect of that holding on or

prior to the gale day next before the passing of this Act shall be deemed to be absolutely released.

The landlord and tenant may agree that any rent paid by the tenant during the twelve months immediately preceding the passing of this Act shall be deemed, for the purposes of this section, to have been paid in respect of the rent due for the then current year, and not in respect of arrears of rent.

Where arrears of rent in respect of a holding are due to some person or persons besides the landlord, the advance made by the land commission under this section shall be rateably distributed by the court amongst the persons entitled thereto.

An application for an advance under this section shall not be made after the twenty-eighth day of February one thousand eight hundred and eighty-two.

The omission or refusal by either landlord or tenant of any holding to join with the other of them in obtaining a loan from the land commission under this section shall not prejudice any other application or proceeding which either of them may make or institute under this Act or the Landlord and Tenant (Ireland) Act, 1870, in relation to the holding.

The land commission may make advances for the purpose of this section out of any moneys for the time being in their hands for the purposes of this Act.

The land commission shall at such time after the expiration of each period of twelve months as the Treasury may from time to time appoint, make up an account showing for the said period of twelve months the amount of all such payments due to them in respect of rentcharges payable to them under this section as they have failed to recover at the expiration of the said period (in this section referred to as payments in arrear), and the Commissioners of Church Temporalities in Ireland shall, out of any moneys at their disposal, pay to the land commission any sums appearing from such account to be due to the land commission. Any such payment by the Commissioners of Church Temporalities in Ireland shall not discharge any person indebted to the land commission in respect of any payments in arrear, and it shall be the duty of the land commission to take any proceedings they may be advised for the recovery of payments in arrear, and to repay to the Commissioners of Church Temporalities in Ireland any sums so recovered.

Saving in case of inability to make immediate application to court.

**60.** Any application which a tenant is authorised by this Act to make to the court shall, if made to the court on the first occasion on which it sits after the passing of this Act, have the same operation as if it had been made on the day on which this Act comes into force; and any order made upon such application shall be of the same effect as if it had been made on the day on which this Act comes into force, unless the court otherwise directs; and the person by whom such application is made shall, if the court thinks just, be in the same position and have the same rights in respect of his tenancy as he would have been in and would have had if the application had been made on the day on which this Act comes into force.

[*No.* 14. *Price* 2*d.*] O

Application of Act.

**61.** This Act shall not apply to England or Scotland.

Short title of Act.

**62.** This Act may be cited for all purposes as the Land Law (Ireland) Act, 1881.

## CHAPTER 50.

An Act to apply the sum of Twenty-one million six hundred and ninety-five thousand seven hundred and twelve pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-two.

[22nd August 1881.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 21,695,712*l.* out of the Consolidated Fund for the service of the year ending 31st March 1882.

**1.** The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-two, the sum of twenty-one million six hundred and ninety-five thousand seven hundred and twelve pounds.

Power to the Treasury to borrow.

**2.** The Commissioners of the Treasury may borrow from time to time, on the credit of the said sum, any sum or sums not exceeding in the whole the sum of twenty-one million six hundred and ninety-five thousand seven hundred and twelve pounds, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

**3.** This Act may be cited as the Consolidated Fund (No. 4) Act, 1881.

## CHAPTER 51.

An Act to explain the Wild Birds Protection Act, 1880.

[22nd August 1881.]

43 & 44 Vict. c. 35.

WHEREAS under section three of the Wild Birds Protection Act, 1880, a person who within the period therein mentioned exposes or offers for sale, or has in his control or possession any wild

bird recently killed or taken is liable to certain penalties therein mentioned, subject to the following exception, "unless such person "shall prove that the said wild bird was either killed or taken or "bought or received during the period in which such wild bird "could be legally killed or taken, or from some person residing out "of the United Kingdom":

And whereas doubts have arisen with respect to the construction of the above-recited enactment, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of s. 3 of 43 & 44 Vict. c. 35.

**1.** The above-recited exception in section three of the Wild Birds Protection Act, 1880, shall be repealed, and in lieu thereof the following enactment shall have effect:

A person shall not be liable to be convicted under section three of the Wild Birds Protection Act, 1880, of exposing or offering for sale, or having the control or possession of, any wild bird recently killed, if he satisfies the court before whom he is charged either—

(1.) That the killing of such wild bird, if in a place to which the said Act extends, was lawful at the time when and by the person by whom it was killed; or

(2.) That the wild bird was killed in some place to which the said Act does not extend, and the fact that the wild bird was imported from some place to which the said Act does not extend shall, until the contrary is proved, be evidence that the bird was killed in some place to which the said Act does not extend.

Amendment of Schedule to 43 & 44 Vict. c. 35.

**2.** The Schedule to the Wild Birds Protection Act, 1880, shall be read and construed as if the word "Lark" had been inserted therein.

Short title and construction of Act.

**3.** This Act may be cited as the Wild Birds Protection Act, 1881. This Act shall be construed as one with the Wild Birds Protection Act, 1880, and that Act and this Act may be cited together as the Wild Birds Protection Acts, 1880 and 1881.

## CHAPTER 52.

### An Act for providing Funds to defray certain of the Expenses of the Royal University of Ireland.

[22nd August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Annual payment by the Commissioners of Church Temporalities in Ireland. 32 & 33 Vict. c. 42.

**1.** From and after the passing of this Act, the Commissioners of Church Temporalities in Ireland shall, out of the property accruing to them under the Irish Church Act, 1869, pay to the Royal University of Ireland the sums following; that is to say, they shall pay the sum of five thousand pounds within one month after the passing of this Act, and the sum of five thousand pounds on the first day of January one thousand eight hundred and eighty-two, and thereafter the annual sum of twenty thousand pounds, payable

by two equal half-yearly instalments on the first day of July and first day of January in each year, the payment of the first of such half-yearly instalments to be made on the first day of July after the passing of this Act.

The sums so provided shall be applied by the Senate of the Royal University of Ireland for the purposes of the University, in accordance with such statutes, rules, and ordinances as pursuant to any powers conferred by the University Education (Ireland) Act, 1879, and the Queen's Charter granted in pursuance thereof, and subject to any conditions by the same respectively imposed, may from time to time be made by the Senate and approved of by Her Majesty under Her Sign Manual.

Audit of accounts of university.

**2.** The Senate shall from time to time prepare in such form and at such times as the Treasury from time to time direct accounts of the receipts and expenditure of the Royal University of Ireland, and within three months after the expiration of the year to which the accounts relate shall transmit the same to the Controller and Auditor General to be audited, certified, and reported upon in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for rendering and auditing appropriation accounts, and the accounts, with the reports of the Controller and Auditor General thereon, shall be laid before the House of Commons not later than three months after the date on which they were transmitted for audit if Parliament be then sitting, and, if not sitting, within fourteen days after Parliament next assembles.

29 & 30 Vict. c. 39.

Short title.

**3.** This Act may be cited as the Royal University of Ireland Act, 1881.

## CHAPTER 53.

An Act for making further provision with respect to the Redemption of the Annuity created under the East Indian Railway Company Purchase Act, 1879; and for other purposes. [22nd August 1881.]

42 & 43 Vict. c. ccvi.

WHEREAS by the East Indian Railway Company Purchase Act, 1879, (herein-after called the Purchase Act,) provision was made for transferring to and vesting in the Secretary of State in Council of India, herein-after called the Secretary of State, the undertaking of the East Indian Railway Company, herein-after called the Company, and all other the property of the Company, save and except as therein mentioned, and for the creation of an annuity of one million four hundred and seventy-three thousand seven hundred and fifty pounds, terminating on the fourteenth of February one thousand nine hundred and fifty-three, to be charged on the revenues of India, and to be paid to the Company as therein mentioned for the purpose of being distributed among the proprietors of stock of the Company:

And whereas by section forty-six of the Purchase Act it was enacted that the Secretary of State might purchase by agreement from any proprietor of stock of the Company the amount of annuity

to which such proprietor was entitled, or any portion thereof, paying in exchange for the same as thereby provided, to any such proprietor on the register in London India Four per centum stock, and to any such proprietor on the register at Calcutta India Four per centum rupee debt in India, at the respective rates therein specified, subject to the proviso that no such purchase should be made by means of India Four per centum stock unless the Secretary of State should be authorised by Parliament to create and issue such stock for the purpose:

And whereas by the same Act (section forty-eight) provision was made for the registration in the name of the Secretary of State of the annuities so to be purchased, and (section forty-nine) for the retention by the Secretary of State of the amount therein mentioned in respect of the annuity registered in his name, and (section fifty) for the rights and liabilities of the Secretary of State in respect of the annuity so registered:

And whereas by section fifty-one of the same Act the Secretary of State was required to invest one equal ninth part of the amount retained by him in respect of the annuity registered in his name, in order to provide a sinking fund to be applied in the reduction of the public debt of India created under the authority of Parliament:

And whereas by an Act of the same Session, chapter forty-three, "to enable the Secretary of State in Council of India to "create and issue capital stock in the United Kingdom in exchange "for so much of the annuity created under the East Indian Rail- "way Company Purchase Act, 1879, and thereby made chargeable "on the revenues of India, as may be purchased by the Secretary "of State under that Act" (herein-after called the Redemption Act), the Secretary of State was authorised to create and issue India four per centum stock for the purposes of the Purchase Act, and such stock has accordingly been created and issued, and paid in exchange for a portion of the annuity created under the Purchase Act: 42 & 43 Vict. c. 43.

And whereas by reason of the conversion of the stock of the Company into the annuities created under the Purchase Act there are no longer any proprietors of that stock, and it is expedient that the powers of the Secretary of State be extended to authorise the purchase of the said annuities from the holders thereof:

And whereas it is expedient that the Secretary of State be authorised to create and issue such capital stock, bearing interest at a lower rate than four per centum per annum, as may be required either for the purpose of this purchase, or for the purpose of reducing the liabilities charged on the revenues of India by the redemption of any part of those liabilities which may for the time being bear interest at a rate not lower than the stock so created:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** (1.) The Secretary of State may purchase by agreement from any holder of the annuity created under the Purchase Act the Power to purchase annuities

from annuitants by means of India stock.

whole or any part of the annuity held by him, paying in exchange for the same India stock created under this Act at such a rate of exchange that the annual interest on the stock given in exchange for any annuity shall not exceed eight ninths of the annuity.

(2.) The annuities purchased under this section shall be registered in the books of the Company in the name of the Secretary of State by his official style, and sections forty-nine and fifty of the Purchase Act shall apply to them as if they were so registered in pursuance of that Act.

Power to create India stock for the purpose of reducing the public debt or liabilities of India.

**2.** (1.) The Secretary of State may from time to time create and issue so much capital stock, bearing interest at the rate of three and a half per centum per annum, or at any other rate not higher than four per centum per annum, as may be required either for the purpose of redeeming the annuities created under the Purchase Act by the purchase thereof under this Act, or for the purpose of redeeming any other liability now charged on the revenues of India and bearing interest or involving an annual payment at a rate not lower than the interest of the stock so created; subject, nevertheless, to the following provisoes:—

(*a.*) The difference between the interest or annual payment in respect of the liability redeemed and the interest on the stock created for redemption thereof shall be set aside and invested in manner directed by section fifty-one of the Purchase Act with respect to the amount of annuity retained by the Secretary of State under that Act, so as to provide a sinking fund to be applied in reduction of the public debt of India created under the authority of Parliament:

(*b.*) Any stock or securities that may be cancelled or redeemed for the purposes of such reduction shall not be re-issued without the authority of Parliament:

(*c.*) The amount so set aside shall be sufficient to repay the principal of the stock created at the expiration of the period during which the Secretary of State was liable to pay the interest or annual payment redeemed by means of the creation of the stock, if that period does not exceed ninety-nine years, but if it does exceed ninety-nine years then at the expiration of ninety-nine years from the date of the creation of the stock:

(*d.*) When and so soon as the public debt of India created under the authority of Parliament shall by the operation of the said sinking fund be reduced by an amount equivalent to the amount of the public debt of India, attributable to the redemption effected under this section, any obligation imposed on the Secretary of State under or by virtue of this section shall cease and determine.

(2.) All the provisions of the Redemption Act with respect to the capital stock created or issued under that Act shall apply to the capital stock created or issued under this Act.

Short title.

**3.** This Act may be cited as the East Indian Railway (Redemption of Annuities) Act, 1881.

# CHAPTER 54.

An Act to make further provision with respect to the Indian Loan of 1879. [22nd August 1881.]

WHEREAS the Indian Advance Act, 1879, authorised the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) to advance to the Government of India two million pounds, and provided that such advance should be repaid by the Government of India as follows: 42 & 43 Vict. c. 45.

In the financial year 1880-81 - - - 290,000*l.*

In each of the six succeeding financial years - 285,000*l.*

inclusive of interest, at the rate of three per cent., and at such time or times as might be agreed on between the Treasury and the Government of India, but the Act provided that the interest so received should be repaid to the Government of India:

And whereas the said sum of two million pounds was advanced to the Government of India, but no sum has been repaid by the said Government in respect either of principal or interest:

And whereas in pursuance of the East Indian Loan (Annuities) Act, 1879, the above sum was raised by the creation of two million and forty-nine thousand two hundred and fifty-nine pounds five shillings and ninepence three per cent. consolidated bank annuities, and those annuities are charged on the Consolidated Fund, but are not paid out of the permanent annual charge for the National Debt: 42 & 43 Vict. c. 61.

And whereas the said annuities were purchased by the Commissioners for the Reduction of the National Debt (in this Act referred to as the National Debt Commissioners) on account of trustee and post office savings banks:

And whereas it is expedient to repeal the said obligation on the Government of India to repay the said sum of two million pounds, and to provide for the conversion of the above-mentioned amount of three per cent. consolidated bank annuities into terminable annuities and for the payment of those annuities out of the permanent annual charge for the National Debt:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the Indian Loan Act, 1881. Short title.

**2.** (1.) The Indian Advance Act, 1879, and the East Indian Loan (Annuities) Act, 1879, are hereby repealed without prejudice to anything done in pursuance of the said Acts before the passing of this Act. Repeal of 42 & 43 Vict. cc. 45 and 61, and provision as to conversion of annuities into terminable annuities.

(2.) The three per cent. consolidated bank annuities created in pursuance of the East Indian Loan (Annuities) Act, 1879, shall continue to be charged on the Consolidated Fund, and shall be paid out of the permanent annual charge of the National Debt.

(3.) The Treasury shall at any time or times before the thirty-first day of March one thousand eight hundred and eighty-two convert into terminable annuities for periods not exceeding twenty-five years such amounts of three per cent. consolidated bank annuities held by the National Debt Commissioners on account of trustee and post office savings banks, or either of them, as in the

whole are equal to two million and forty-nine thousand two hundred and fifty-nine pounds five shillings and ninepence capital stock.

(4.) The Treasury may convert the same by a warrant to the Governor and Company of the Bank of England directing them to cancel the said annuities in their books as from the date of conversion specified in the warrant, and to inscribe in their books, as from the same date to the same account as that for which the cancelled annuities were held, terminable annuities of the amounts and for the periods mentioned in the warrant.

(5.) The amount of the terminable annuities to be inscribed shall be certified to the Treasury by the National Debt Commissioners under the hands of the Controller-General, or Assistant Controller, and of the Actuary of the National Debt Office.

(6.) For the purpose of ascertaining the amount of the terminable annuities—

interest shall be taken at the rate of interest yielded by three per cent. consolidated bank annuities at the average price of the day as certified by the Bank of England on the date of conversion.

the capital value of perpetual annuities shall be calculated at the average price of the same day.

(7.) The perpetual annuities directed in pursuance of this Act to be cancelled shall after the date of conversion be cancelled, and all payments in respect thereof shall cease.

(8.) The terminable annuities created under this Act shall after the date of their creation be charged on the Consolidated Fund, and be paid out of the permanent annual charge of the National Debt yearly or half-yearly at such times in each year as may be fixed by the warrant creating them.

(9.) Every terminable annuity received by the National Debt Commissioners in pursuance of this Act shall, so far as it represents interest, be dealt with as dividends of the perpetual annuities converted into such terminable annuity would have been applied, and, so far as it represents principal, shall be dealt with by them as moneys received on account of trustee or post office savings banks, as the case may be.

(10.) The warrants of the Treasury issued in pursuance of this Act shall be a sufficient authority to the Bank of England for doing the things thereby directed, and copies of such warrants shall be laid before both Houses of Parliament within one month after they are issued, if Parliament is then sitting, and, if not, within one month after the then next meeting of Parliament.

Temporary increase of permanent annual charge of National Debt.
43 & 44 Vict. c. 36.

**3.** For the period of four financial years commencing on the first day of April one thousand eight hundred and eighty-one, the permanent annual charge for the National Debt shall, subject to any increase under the Savings Bank Act, 1880, be twenty-eight million nine hundred and twenty thousand pounds, and thereafter during the currency of the terminable annuity created under this Act shall be twenty-eight million one hundred and twenty thousand pounds, and during the said periods the Sinking Fund Act, 1875, shall be construed as if the above-named sums were respectively substituted in the first section of that Act for "twenty-eight million pounds."

38 & 39 Vict. c. 45.

# CHAPTER 55.

An Act to make further provision respecting the National Debt and the Investment of Moneys in the hands of the National Debt Commissioners on account of Savings Banks and otherwise. [22nd August 1881.]

WHEREAS it is expedient to make further provision respecting the securities held by the National Debt Commissioners:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the National Debt Act, 1881.

Conversion of Exchequer bonds into permanent annuities with sinking fund.

**2.** (1.) The Treasury may pay off any Exchequer bonds held at the passing of this Act by the National Debt Commissioners on account of Trustee and Post Office Savings Banks, not exceeding in the whole seven million seven hundred and fifty thousand pounds by the creation as from the day on which each such bond falls due, of perpetual annuities of equivalent capital value, and the day on which each such bond falls due shall be for the purposes of this Act the date of the creation of such annuities.

(2.) During twenty-five years from the date of the creation of any perpetual annuities in pursuance of this section there shall be charged on and paid out of the Consolidated Fund as a sinking fund for such perpetual annuities an annual sum for the first four years of one pound, and afterwards of three pounds four shillings and fourpence for every hundred pounds of the nominal capital amount of perpetual annuities created, and such sum shall be paid to the National Debt Commissioners and shall be applied by them as if it were part of the new sinking fund under the Sinking Fund Act, 1875. 38 & 39 Vict. c. 45.

(3.) The perpetual annuities created under this section shall be charged on the Consolidated Fund, but the said annuities during the twenty-five years above-mentioned, and the sinking fund under this section shall not be paid out of the permanent annual charge of the national debt.

(4.) This section shall apply to Exchequer bonds falling due in the month of August one thousand eight hundred and eighty-one, either before or after the passing of this Act.

Supplemental provisions as to creation of annuities.

**3.** For the purposes of this Act the following provisions shall have effect:

(1.) The annuities shall be created by a warrant from the Treasury to the Bank of England directing them to inscribe in their books, as from the date of creation specified in the warrant, perpetual annuities of the amount and description mentioned in the warrant.

(2.) The said amount shall be certified to the Treasury by the National Debt Commissioners under the hands of the Controller General or Assistant Controller and of the Actuary of the National Debt Office.

(3.) The equivalent capital value of perpetual annuities shall be calculated at the average price of the day as certified by the Bank of England on the date of creation, but if no price of

stock is recorded on the date of creation, the price certified on the day nearest preceding shall be adopted.

(4.) The perpetual annuities created in pursuance of this Act shall be consolidated with other perpetual annuities of the same description and payable at the same date, and shall be transferable in the books of the Bank of England in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities so far as is consistent with the tenour of those enactments; but nothing in this section shall make section sixty-nine of the National Debt Act, 1870, apply to any annuities created in pursuance of this Act.

33 & 34 Vict. c. 71.

Treasury warrants to be authority for Bank of England.

**4.** The warrants of the Treasury issued in pursuance of this Act shall be a sufficient authority to the Bank of England for doing the things thereby directed, and copies of such warrants shall be laid before both Houses of Parliament within one month after they are issued if Parliament is then sitting, and if not, within one month after the then next meeting of Parliament.

Declaration as to 43 & 44 Vict. c. 36. s. 1.

**5.** Whereas in pursuance of the Savings Banks Act, 1880, a terminable annuity is directed to be inscribed in the books of the Bank of England for the National Debt Commissioners on account of trustee savings banks, for the purpose of paying off the deficiency therein mentioned, and doubts have arisen with respect to the interest on securities in which such annuity is to be invested, and it is expedient to remove such doubts: Be it therefore enacted that—

During the currency of the said annuity, the interest arising from any securities in which the money received in respect of the said annuity, or of any investment of the said annuity is invested, shall for the purpose of the annual account required to be made up by the National Debt Commissioners of the interest arising from securities in their hands be treated as capital and not as interest.

Definitions.

**6.** In this Act, unless the context otherwise requires—

The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "National Debt Commissioners" means the Commissioners for the Reduction of the National Debt:

The expression "Bank of England" means the Governor and Company of the Bank of England:

The expression "perpetual annuities" means three and a half per cent. bank annuities, three per cent. consolidated bank annuities, three per cent. reduced bank annuities, new three per cent. bank annuities, or two and a half per cent. bank annuities.

# CHAPTER 56.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-two, and to appropriate the Supplies granted in this Session of Parliament. [27th August 1881.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

## *Grant out of Consolidated Fund.*

Issue of 13,764,507*l.* out of the Consolidated Fund.

**1.** The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-two, the sum of thirteen million seven hundred and sixty-four thousand five hundred and seven pounds.

Power for the Treasury to borrow.

**2.** The Commissioners of Her Majesty's Treasury may borrow from time to time, on the credit of the said sum of thirteen million seven hundred and sixty-four thousand five hundred and seven pounds, any sum or sums of equal or less amount in the whole, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any moneys so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

## *Appropriation of Grants.*

Appropriation of sums voted for supply services.

**3.** All sums granted by this Act and the other Acts mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty, amounting, as appears by the said Schedule, in the aggregate, to the sum of fifty-eight million two hundred and ninety-one thousand four hundred and sixty-three pounds four shillings and twopence, are appropriated and shall be deemed to have been appropriated as from the date of the passing of the first of the Acts mentioned in the said Schedule (A.) for the purposes and services expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

**4.** If a necessity arise for incurring expenditure not provided for in the sums appropriated to naval and military services by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course, each of the departments entrusted with the control over the said services shall forthwith make application in writing to the Commissioners of Her Majesty's Treasury for their authority to defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same department, and in such application the department shall represent to the Commissioners of the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the said Commissioners may authorise the expenditure unprovided for as aforesaid to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same department; and a statement showing all cases in which the naval and military departments have obtained the sanction of the said Commissioners to any expenditure not provided for in the respective votes aforesaid, accompanied by copies of the representations made to them by the said departments, shall be laid before the House of Commons with the appropriation accounts of navy and army services for the year, in order that such proceedings may be submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several votes for the said services in such manner as Parliament may determine.

The Commissioners of the Treasury shall not authorise any expenditure which may cause an excess upon the aggregate sums appropriated by this Act for naval services and for army services respectively.

Sanction for navy and army expenditure for 1879–80 unprovided for.

**5.** Whereas the Commissioners of the Treasury, under the powers vested in them by the Act of the session held in the forty-second and forty-third years of the reign of Her present Majesty, chapter fifty-one, have authorised expenditure not provided for in the sums appropriated by the said Act to certain votes for naval and military services for the year ended on the thirty-first day of March one thousand eight hundred and eighty, to be in part temporarily defrayed out of the balances unexpended in respect of the sums appropriated to certain other votes for naval and military services for the said year; viz.,

1st. Expenditure for certain navy services unprovided for, temporarily defrayed to the extent of two hundred and eight thousand six hundred and eighty-four pounds fourteen shillings and sixpence out of the unexpended balances of certain other votes for navy services.

2d. Expenditure for certain army services unprovided for, temporarily defrayed to the extent of four hundred and twenty-one thousand one hundred and forty-five pounds seven shillings and tenpence out of the unexpended balances of certain other

votes for army services, and out of the sum realised in excess of the estimated appropriations in aid:

It is enacted, that the application of the said sums is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

**6.** A person shall not receive any part of a grant which may be made in pursuance of this Act for half pay, or army, navy, or civil non-effective services until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Commissioners of Her Majesty's Treasury before one of the persons prescribed by such warrant.

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Commissioners of Her Majesty's Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor.

Short title of Act.

**7.** This Act may be cited for all purposes as the Appropriation Act, 1881.

# ABSTRACT

OF

## SCHEDULES (A.) and (B.) to which this Act refers.

### SCHEDULE (A.)

| | £ | s. | d. |
|---|---|---|---|
| Grants out of the Consolidated Fund - - - - - - | 58,291,463 | 4 | 2 |

### SCHEDULE (B.)—APPROPRIATION OF GRANTS.

| | | £ | s. | d. | £ | s. | d. |
|---|---|---|---|---|---|---|---|
| | 1880–81. | | | | | | |
| Part | 1. Deficiencies, 1879–80 - - - | 12,109 | 4 | 2 | | | |
| ,, | 2. Supplementary, 1880–81 - - - | 368,462 | 0 | 0 | | | |
| ,, | 3. Afghan War (Grant in Aid) 1880–81 - | 500,000 | 0 | 0 | | | |
| ,, | 4. Army (Supplementary) 1880–81 - - | 446,000 | 0 | 0 | | | |
| ,, | 5. Navy (Supplementary) 1880–81 - - | 210,000 | 0 | 0 | | | |
| ,, | 6. Exchequer Bonds, 1880–81 - - - | 2,500,000 | 0 | 0 | | | |
| | | | | | 4,036,571 | 4 | 2 |
| | 1881–82. | | | | | | |
| ,, | 7. Navy - - - - - - - - | | | | 10,895,919 | 0 | 0 |
| ,, | 8. Army - - - - - - - - | | | | 16,589,500 | 0 | 0 |
| ,, | 9. Army (Indian Home Charges) - - - | | | | 1,100,000 | 0 | 0 |
| | | £ | | | | | |
| ,, | 10. Civil Services, Class I. - - - - | 1,526,673 | | | | | |
| ,, | 11. Ditto, Class II. - - - - | 2,433,171 | | | | | |
| ,, | 12. Ditto, Class III. - - - - | 5,949,146 | | | | | |
| ,, | 13. Ditto, Class IV. - - - - | 4,461,456 | | | | | |
| ,, | 14. Ditto, Class V. - - - - | 636,257 | | | | | |
| ,, | 15. Ditto, Class VI. - - - - | 1,172,156 | | | | | |
| ,, | 16. Ditto, Class VII. - - - - | 45,510 | | | | | |
| | TOTAL CIVIL SERVICES - - | | | | 16,224,369 | 0 | 0 |
| ,, | 17. Revenue departments, &c. - - - - - | | | | 8,392,581 | 0 | 0 |
| ,, | 18. Advances for Greenwich Hospital and School - - | | | | 152.523 | 0 | 0 |
| ,, | 19. Expenses connected with the Transvaal - - - | | | | 400,000 | 0 | 0 |
| ,, | 20. Afghan War (Grant in Aid) - - - - - | | | | 500,000 | 0 | 0 |
| | | | | | £58,291,463 | 4 | 0 |

## SCHEDULE (A.)

### GRANTS OUT OF THE CONSOLIDATED FUND.

For the service of the years ending 31st March 1880 and 1881; viz.:—

| | £ | s. | d. |
|---|---|---|---|
| Under Act 44 Vict. cap. 1. | 2,500,000 | 0 | 0 |
| Under Act 44 Vict. cap. 8. | 1,536,571 | 4 | 2 |
| For the service of the year ending 31st March 1882:— | | | |
| Under Act 44 Vict. c. 8. | 11,819,046 | 0 | 0 |
| Under Act 44 & 45 Vict. c. 15. | 6,975,627 | 0 | 0 |
| Under Act 44 & 45 Vict. c. 50. | 21,695,712 | 0 | 0 |
| Under this Act | 13,764,507 | 0 | 0 |
| TOTAL | 58,291,463 | 4 | 2 |

## SCHEDULE (B.)—PART 1.

### DEFICIENCIES.

SCHEDULE of SUMS granted to make good deficiencies on the several grants herein particularly mentioned for the year ended on the 31st day of March 1880; viz.:—

| CIVIL SERVICES. | £ | s. | d. |
|---|---|---|---|
| CLASS II. | | | |
| The Mint, including Coinage | 64 | 2 | 2 |
| Lunacy Commission, Scotland | 44 | 10 | 7 |
| CLASS III. | | | |
| County Courts | 2,124 | 17 | 11 |
| Land Registry | 12 | 19 | 7 |
| Convict Establishments in England and the Colonies | 2,205 | 8 | 6 |
| CLASS IV. | | | |
| Endowed Schools Commissioners, Ireland | 167 | 12 | 6 |
| Queen's Colleges, Ireland | 517 | 0 | 10 |
| CLASS V. | | | |
| Consular Services | 5,421 | 12 | 6 |
| Suppression of the Slave Trade | 1,550 | 19 | 7 |
| TOTAL | 12,109 | 4 | 2 |

## SCHEDULE (B.)—PART 2.

### SUPPLEMENTARY.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1881; viz.:—

| CLASS I. | £ |
|---|---|
| Public Buildings, Great Britain | 2,192 |
| Surveys of the United Kingdom | 3,000 |
| Science and Art Department Buildings | 5,087 |
| British Museum Buildings | 800 |
| Diplomatic and Consular Buildings | 1,838 |
| CLASS II. | |
| Treasury | 260 |
| Foreign Office | 14,000 |
| Colonial Office | 1,550 |
| Board of Trade | 5,500 |
| Civil Service Commission | 1,800 |
| Friendly Societies Registry | 250 |
| Local Government Board | 4,976 |
| The Mint, including Coinage | 5,000 |
| Stationery and Printing | 39,750 |

| | £ |
|---|---|
| *Ireland:* | |
| Chief Secretary's Office | 750 |
| Local Government Board | 6,883 |
| Public Works Office | 1,800 |
| **CLASS III.** | |
| Law Charges, England | 30,100 |
| Chancery Division, High Court of Justice | 1,230 |
| Central Office of the Supreme Court of Judicature | 26,755 |
| Wreck Commission | 650 |
| Police Courts, London and Sheerness | 160 |
| Police, Counties and Boroughs, Great Britain | 3,010 |
| Prisons, England | 14,624 |
| Reformatory and Industrial Schools, Great Britain | 5,500 |
| *Ireland:* | |
| Law Charges and Criminal Prosecutions | 6,600 |
| Queen's Bench, &c., Divisions | 3,500 |
| Land Judges' Offices | 1,103 |
| Bankruptcy Court | 50 |
| County Court Officers, &c. | 2,500 |
| Constabulary | 28,900 |
| **CLASS IV.** | |
| National Gallery | 652 |
| Learned Societies, &c. | 500 |
| London University | 256 |
| *Scotland:* | |
| Universities, &c. | 54 |
| *Ireland:* | |
| Endowed Schools Commissioners | 41 |
| **CLASS V.** | |
| Diplomatic Services | 21,730 |
| Consular Services | 4,365 |
| Grants in Aid of certain Colonies | 12,188 |
| Tonnage Bounties, &c. | 7,800 |
| Subsidies to Telegraph Companies | 6,369 |
| Treasury Chest | 2,764 |
| **CLASS VI.** | |
| Superannuations and Retired Allowances | 11,000 |
| **CLASS VII.** | |
| Temporary Commissions | 1,100 |
| Miscellaneous Expenses | 350 |
| Repayments to the Civil Contingencies Fund | 5,585 |
| **REVENUE DEPARTMENTS.** | |
| Customs | 12,000 |
| Post Office | 18,200 |
| Post Office Packet Service | 9,000 |
| Post Office Telegraphs | 34,390 |
| Total | 368,462 |

## SCHEDULE (B.)—PART 3.

### AFGHAN WAR (GRANT IN AID).

| | |
|---|---|
| For paying an instalment of a grant in aid of the expenditure incurred by the Government of India upon the War in Afghanistan, in the years 1878–80, which became due and payable during the year ended on the 31st day of March 1881 - - - - - - - - - - | 500,000 |

## SCHEDULE (B.)—PART 4.

### ARMY (SUPPLEMENTARY, 1880–81).

| | |
|---|---|
| For defraying the charge which may be incurred during the year ended on the 31st day of March 1881 beyond the original grants of Parliament, for meeting additional expenditure for Supplies and Warlike Stores for the Army, viz.: | |
| Vote 9. For commissariat and ordnance store establishments, wages, &c. - - - - - - - - - - | 41,000 |
| Vote 10. For provisions, forage, fuel, transport and other services - | 320,000 |
| Vote 11. For clothing establishments, services and supplies - - | 25,000 |
| Vote 12. For the supply, manufacture, and repair of warlike and other stores, including establishments of manufacturing departments - | 60,000 |
| | 446,000 |

## SCHEDULE (B.)—PART 5.

### NAVY (SUPPLEMENTARY, 1880–81).

| | |
|---|---|
| For defraying the expenses which may be incurred during the year ended on the 31st day of March 1881, beyond the original grants of Parliament, for Extraordinary Transport Services in connexion with the outbreak of hostilities in the Transvaal, viz.: | |
| Vote 17. For freight of ships, for the victualling and conveyance of troops, on account of the Army Department - - - - | 210,000 |

## SCHEDULE (B.)—PART 6.

### EXCHEQUER BONDS.

| | £ |
|---|---|
| To pay off and discharge Exchequer Bonds which became due and payable during the year ended on the 31st day of March 1881 - - - | 2,500,000 |

## SCHEDULE (B.)—PART 7.

### NAVY.

SCHEDULE of SUMS granted to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1882; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For wages, &c. to 58,100 seamen and marines - - - - | 2,704,226 |
| 2. | For victuals and clothing for seamen and marines - - - | 1,014,481 |
| 3. | For the expenses of the Admiralty Office - - - - | 180,583 |
| 4. | For the expense of the coast guard service, the royal naval reserve, and seamen and marine pensioners reserve, and royal naval artillery volunteers - - - - - - - - | 194,481 |
| 5. | For the expense of the several scientific departments of the navy - | 120,382 |
| 6. | For the expense of the dockyards and naval yards at home and abroad - | 1,446,346 |
| 7. | For the expense of the victualling yards at home and abroad - - | 71,917 |
| 8. | For the expense of the medical establishments at home and abroad - | 65,969 |
| 9. | For the expense of the Marine Divisions - - - - - | 22,138 |
| 10. | Sect. 1. For naval stores for building, repairing, and outfitting the fleet and coast guards - - - - - - - - - | 1,172,700 |
| ,, | Sect. 2. For steam machinery, and ships built by contract, &c. - | 683,239 |

| No. | | Sums not exceeding £ |
|---|---|---|
| 11. | For new works, buildings, machinery, and repairs in the naval establishments | 550,141 |
| 12. | For medicines, medical stores, &c. | 70,460 |
| 13. | For martial law, &c. | 10,069 |
| 14. | For the expense of various miscellaneous services | 127,421 |
| 15. | For half pay, reserved half pay, and retired pay to officers of the navy and marines | 877,890 |
| 16. | Sect. 1. For military pensions and allowances | 847,035 |
| " | Sect. 2. For civil pensions and allowances | 3 7,991 |
| 17 | For freight of ships, for the victualling and conveyance of troops, on account of the army department (including a supplementary sum of 170,000*l.* to defray the charge for extraordinary transport services in connexion with the outbreak of hostilities in the Transvaal) | 398,450 |
| | TOTAL NAVY SERVICES £ | 10,895,919 |

## SCHEDULE (B.)—PART 8.

## ARMY.

SCHEDULE of SUMS granted to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1882; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For the general staff and regimental pay, allowances, and charges of Her Majesty's land forces at home and abroad, exclusive of charges on India (including a supplementary sum of 30,000*l.*) | 4,466,000 |
| 2. | For divine service | 52,400 |
| 3. | For administration of military law | 39,800 |
| 4. | For medical establishments and services | 300,500 |
| 5. | For the pay and allowances of a force of militia, not exceeding 134,394 men, including 28,000 militia reserve | 476,900 |
| 6. | For the yeomanry cavalry pay and allowances | 73,900 |
| 7. | For the volunteer corps pay and allowances | 540,500 |
| 8. | For the pay and allowances of a number of army reserve first class, not exceeding 24,000, and of the army reserve second class | 218,800 |
| 9. | For commissariat and ordnance store establishments, wages, &c. (including a supplementary sum of 40,000*l.*) | 444,800 |
| 10. | For provisions, forage, fuel, transport and other services (including a supplementary sum of 290,000*l.*) | 3,701,000 |
| 11. | For clothing establishments, services and supplies | 780,000 |
| 12. | For the supply, manufacture, and repair of warlike and other stores, including establishments of manufacturing departments (including a supplementary sum of 120,000*l.*) | 1,290,000 |
| 13. | For superintending establishment of, and expenditure for, works, buildings, and repairs at home and abroad | 758,900 |
| 14. | For establishments for military education | 164,100 |
| 15. | For miscellaneous effective services | 40,100 |
| 16. | For the administration of the army | 222,200 |
| 17. | For rewards for distinguished services, &c., exclusive of charges on India | 34,000 |
| 18. | For unattached pay, &c. of general officers, and the half-pay of regimental and departmental officers, exclusive of charges on India | 129,700 |
| 19. | For retired full pay, retired pay, pensions, and gratuities, for reduced and retired officers, including payments allowed by Army Purchase Commissioners, exclusive of charges on India | 1,054,700 |

| No. | | Sums not exceeding £ |
|---|---|---|
| 20. | For widows pensions and gratuities, for allowances on the compassionate list, and for the relief fund, &c., exclusive of charges on India | 124,200 |
| 21. | For pensions for wounds | 17,000 |
| 22. | For Chelsea and Kilmainham hospitals, and the in-pensioners thereof | 33,900 |
| 23. | For the out-pensioners of Chelsea Hospital, &c., exclusive of charges on India | 1,366,500 |
| 24. | For superannuation allowances | 202,200 |
| 25. | For the non-effective services of the militia, yeomanry cavalry, and volunteer corps | 37,400 |
| | TOTAL ARMY SERVICES £ | 16,589,500 |

## SCHEDULE (B.)—PART 9.

### ARMY (INDIAN HOME CHARGES).

| | |
|---|---|
| For the sum to be transferred in aid of Army Grants to meet the charge incurred in recruiting and training officers and men, and in defraying the non-effective expenditure for the regular forces serving in India, which will come in course of payment during the year ending on the 31st day of March 1882 £ | 1,100,000 |

## SCHEDULE (B.)—PART 10.

### CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1882; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For the maintenance and repair of the royal palaces | 42,739 |
| 2. | For the maintenance and repair of Marlborough House | 2,397 |
| 3. | For the royal parks and pleasure gardens | 110,926 |
| 4. | For the buildings of the Houses of Parliament (including a supplementary sum of 2,900*l.*) | 36,160 |
| 4A. | For the execution and erection of a statue in the Collegiate Church of St. Peter, Westminster, to the memory of the late Right Honourable Benjamin Disraeli, Earl of Beaconsfield, K.G., P.C. | 2,100 |
| 5. | For the maintenance and repair of public buildings in Great Britain and the Isle of Man (including various special works); for providing the necessary supply of water; for rents of houses hired for accommodation of public departments, and charges attendant thereon, &c. (including a supplementary sum of 5,000*l.*) | 130,428 |
| 6. | For the supply and repair of furniture in the public departments of Great Britain | 15,980 |
| 7. | For the expenses of the Customs, Inland Revenue, Post Office, and Post Office Telegraph Buildings, in Great Britain, including furniture, fuel, and sundry miscellaneous services | 228,515 |
| 8. | For new buildings for county courts, maintenance and repair of courts, supply of furniture, fuel, &c., and other charges attendant thereon | 55,496 |
| 9. | For charges connected with Metropolitan Police Court Buildings | 10,013 |
| 10. | For one half of the expense of erecting or improving court houses or offices for the sheriff courts in Scotland, and the expense of maintaining the courts erected or improved | 7,195 |
| 11. | For the purchase of a site, erection of building, and other expenses for the new courts of justice and offices belonging thereto | 120,200 |

| No. | | Sums not exceeding |
|---|---|---|
| | | £ |
| 12. | For the survey of the United Kingdom, including the revision of the survey of Ireland, maps for use in proceedings before the Land Judges in Ireland, publication of maps, and engraving the geological survey - | 185,000 |
| 13. | For erecting and maintaining new buildings, including rents, &c., for the Department of Science and Art - - - - - | 22,141 |
| 14. | For the maintenance and repair of the British Museum and Natural History Museum buildings, for rents of premises, supply of water, fuel, &c., and charges attendant thereon - - - - - | 6,523 |
| 15. | For the erection of a Natural History Museum, including fittings, &c. - | 45,858 |
| 16. | For a grant in aid of the new buildings for the University of Edinburgh - | 20,000 |
| 17. | For maintaining certain harbours, &c. under the Board of Trade - - | 10,609 |
| 17A. | For a grant in aid for executing the necessary repairs of the Caledonian Canal, and for meeting the outstanding liabilities of the Commissioners of the Canal appointed under 11 & 12 Vict. c. 54 - - | 10,000 |
| 18. | For rates and contributions in lieu of rates in respect of Government property, and for salaries and expenses of the rating of Government property department - - - - - - - - | 195,633 |
| 19. | For contribution to the funds for the establishment and maintenance of a fire brigade in the metropolis - - - - - - | 10,000 |
| 20. | For erection, repairs, and maintenance of the several public works and buildings under the department of the Commissioners of Public Works in Ireland, and for the erection of fishery piers, and the maintenance of certain parks, harbours, and navigations - - - - | 193,926 |
| 21. | For expenses preparatory to, and of the erection of the Museum of Science and Art in Dublin, and of additions to the School of Art in Dublin - - - - - - - - - | 10,000 |
| 22. | For works to regulate the flood waters of the River Shannon - - | 21,700 |
| 23. | For erecting and maintaining certain lighthouses abroad - - - | 10,650 |
| 24. | For diplomatic and consular buildings, including rents and furniture, and for the maintenance of certain cemeteries abroad - - - | 22,484 |
| | TOTAL CIVIL SERVICES, CLASS I. - £ | 1,526,673 |

## SCHEDULE (B.)—PART II.

### CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1882; viz.:—

| No. | | Sums not exceeding |
|---|---|---|
| | | £ |
| 1. | For salaries and expenses in the offices of the House of Lords - - | 43,182 |
| 2. | For salaries and expenses in the offices of the House of Commons - - | 50,644 |
| 3. | For salaries and expenses of the department of Her Majesty's Treasury and in the office of the Parliamentary Counsel - - - - | 57,732 |
| 4. | For salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices - - - | 91,278 |
| 5. | For salaries and expenses of the department of Her Majesty's Secretary of State for Foreign Affairs - - - - - - | 72,068 |
| 6. | For salaries and expenses of the department of Her Majesty's Secretary of State for the Colonies, including certain expenses connected with Emigration - - - - - - - - | 38,792 |
| 7. | For salaries and expenses of the department of Her Majesty's Most Honourable Privy Council and subordinate departments - - | 30,077 |
| 8. | For salaries and expenses of the office of the Lord Privy Seal - - | 2,855 |
| 9. | For salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments - - - - - | 171,933 |
| 10. | For salaries and expenses of the Charity Commission for England and Wales - - - - - - - - - | 32,619 |
| 11. | For salaries and expenses of the Civil Service Commission - - | 28,798 |

| No. | | Sums not exceeding £ |
|---|---|---|
| 12. | For salaries and expenses of the office of the Copyhold, Inclosure, and Tithe Commission | 16,966 |
| 13. | For imprest expenses under the Inclosure and Drainage Acts | 7,925 |
| 14. | For salaries and expenses of the department of the Comptroller and Auditor General, including the Chancery Audit Branch | 56,233 |
| 15. | For salaries and expenses of the Registry of Friendly Societies | 6,286 |
| 16. | For salaries and expenses of the Local Government Board, including various grants in aid of local taxation | 415,173 |
| 17. | For salaries and expenses of the office of the Commissioners in Lunacy in England | 15,195 |
| 18. | For salaries and expenses of the Mint, including the expenses of the coinage (including a supplementary sum of 25,500*l.*) | 88,140 |
| 19. | For salaries and expenses of the National Debt Office | 17,142 |
| 20. | For charges connected with the Patent Law Amendment Act, the Registration of Trade Marks Act, and the Registration of Designs Act | 29,438 |
| 21. | For salaries and expenses of the department of Her Majesty's Paymaster General in London and Dublin | 25,277 |
| 22. | For salaries and expenses of the establishments under the Public Works Loan Commissioners | 9,943 |
| 23. | For salaries and expenses of the Public Record Office in England | 21,567 |
| 24. | For salaries and expenses of the department of the Registrar General of Births, &c. in England, including taking the Census of England | 147,943 |
| 25. | For stationery, printing, and paper, binding, and printed books, for the several departments of Government in England, Scotland, and Ireland, and some dependencies, and for the two Houses of Parliament; for the salaries and expenses of the Establishment of the Stationery Office, and the cost of Stationery Office publications, and of the Gazette Offices; and for sundry miscellaneous services, including a grant in aid of the publication of Parliamentary Debates | 500,000 |
| 26. | For salaries and expenses of the office of Woods, Forests, and Land Revenues, and of the office of Land Revenue Records and Inrolments | 23,196 |
| 27. | For salaries and expenses of the office of the Commissioners of Her Majesty's Works and Public Buildings | 45,765 |
| 28. | For Her Majesty's foreign and other secret services | 23,000 |
| 29. | For salaries and expenses of the department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain officers in Scotland, and other charges formerly on the hereditary revenue | 6,527 |
| 30. | For salaries and expenses of the Fishery Board in Scotland, and for grants in aid of piers or quays | 13,239 |
| 31. | For salaries and expenses of the Board of Lunacy in Scotland | 5,944 |
| 32. | For salaries and expenses of the department of the Registrar General of Births, &c. in Scotland, including taking the Census of Scotland | 32,746 |
| 33. | For salaries and expenses of the Board of Supervision for Relief of the Poor, and for expenses under the Public Health and Vaccination Acts, including certain grants in aid of local taxation in Scotland | 18,582 |
| 34. | For salaries of the officers and attendants of the household of the Lord Lieutenant of Ireland and other expenses | 7,270 |
| 35. | For salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin and London, and subordinate departments | 38,253 |
| 36. | For salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland | 2,086 |
| 37. | For salaries and expenses of the Local Government Board in Ireland, including various grants in aid of local taxation | 134,629 |
| 38. | For salaries and expenses of the Office of Public Works in Ireland | 41,595 |
| 39. | For salaries and expenses of the Public Record Office, and of the Keeper of the State Papers in Ireland | 6,135 |
| 40. | For salaries and expenses of the department of the Registrar General of Births, &c., and for expenses of the collection of agricultural and emigration statistics in Ireland, and of taking the Census of Ireland | 33,050 |
| 41. | For salaries and expenses of the general valuation and boundary survey of Ireland | 23,948 |
| | TOTAL CIVIL SERVICES, CLASS II. £ | 2,433,171 |

## SCHEDULE (B.)—PART 12.

### CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1882; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For the salaries of the law officers, the salaries and expenses of the department of the Solicitor for the affairs of Her Majesty's Treasury, and of the department of the Queen's Proctor for divorce interventions, the costs of prosecutions, including those relating to the coin and to bankruptcy, and of other legal proceedings conducted by those departments, and various other legal expenses, including Statute Law Revision and Parliamentary Agency | 73,281 |
| 2. | For the salaries and expenses of the office of the Director of Public Prosecutions | 3,821 |
| 3. | For criminal prosecutions at assizes and quarter sessions in England, including adjudications under the Criminal Justice and the Juvenile Offenders Acts, sheriffs expenses, salaries to clerks of assize and other officers, and for compensation to clerks of the peace and others, and for expenses incurred under Extradition Treaties | 196,022 |
| 4. | For such of the salaries and expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature, exclusive of the Central Office, as are not charged on the Consolidated Fund | 102,115 |
| 5. | For the salaries and expenses of the Central Office of the Supreme Court of Judicature, the salaries and expenses of the Judges' Clerks and other officers, of the District Registrars of the High Court, the remuneration of the Judges' Marshals, and certain circuit and other expenses | 118,427 |
| 6. | For salaries and expenses of the Registries of Probate and Divorce and Matrimonial Causes, &c., in the Probate, Divorce, and Admiralty Division of the High Court of Justice | 93,124 |
| 7. | For salaries and expenses of the offices of the Admiralty Registrar and Marshal of the Probate, Divorce, and Admiralty Division of the High Court of Justice | 11,297 |
| 8. | For salaries and expenses of the office of the Wreck Commissioner | 13,618 |
| 9. | For such of the salaries and expenses of the London Bankruptcy Court as are not charged on the Consolidated Fund | 36,424 |
| 10. | For salaries and expenses connected with the County Courts | 462,936 |
| 11. | For salaries and expenses of the Office of Land Registry | 5,442 |
| 12. | For the expense of revising barristers in England | 18,690 |
| 13. | For salaries and expenses of the police courts of London and Sheerness | 15,021 |
| 14. | For contribution toward the expenses of the metropolitan police, and of the horse patrol, and Thames police, and for the salaries of the Commissioner, Assistant Commissioners, and Receiver | 460,402 |
| 15. | For certain expenses connected with the police in counties and boroughs in England and Wales, and with the police in Scotland | 915,298 |
| 16. | For the superintendence of convict establishments and for the maintenance of convicts in convict establishments in England and the Colonies | 435,844 |
| 17. | For the salaries and expenses of the Commissioners and other officers appointed under the 6th and 7th sections of the Prison Act, 1877, and the expenses of the several prisons in England and Wales to which that Act applies | 463,759 |
| 18. | For the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools in Great Britain, and for the salaries and expenses of the Inspectors of Reformatories | 272,626 |
| 19. | For the maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum, England, and of one criminal lunatic in Bethlem Hospital | 26,019 |
| 20. | For salaries and expenses of the Lord Advocate's department and others connected with criminal proceedings in Scotland, including certain allowances under the Act 15 & 16 Vict. c. 83. | 65,700 |

| No. | | Sums not exceeding £ |
|---|---|---|
| 21. | For salaries and expenses of the Courts of Law and Justice in Scotland and other legal charges | 59,008 |
| 22. | For salaries and expenses of the offices in Her Majesty's General Register House, Edinburgh | 37,422 |
| 23. | For the expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics and the preparation of judicial statistics | 127,340 |
| 24. | For the expense of criminal prosecutions and other law charges in Ireland, including certain allowances under the Act 15 & 16 Vict. c. 83. | 86,446 |
| 25. | For such of the salaries and expenses of the Supreme Court of Judicature in Ireland as are not charged on the Consolidated Fund | 89,898 |
| 26. | For salaries and incidental expenses of the Court of Bankruptcy in Ireland | 10,333 |
| 27. | For salaries and expenses of the Admiralty Court Registry in Ireland | 1,400 |
| 28. | For salaries and expenses of the Office for the Registration of Deeds in Ireland | 19,217 |
| 29. | For salaries and expenses in the Office for the Registration of Judgments in Ireland | 2,917 |
| 30. | For the salaries, allowances, and expenses of various county court officers, and of magistrates in Ireland, and of the revising barristers of the city of Dublin | 86,730 |
| 31. | For salaries and expenses of the Commissioners of Police, of the police courts and of the metropolitan police establishment of Dublin | 134,586 |
| 32. | For the expenses of the Constabulary Force in Ireland | 1,192,975 |
| 33. | For the expense of the superintendence of prisons, and of the maintenance of prisoners in prisons in Ireland, and of the registration of habitual criminals | 146,612 |
| 34. | For the expenses of reformatories and industrial schools in Ireland | 97,548 |
| 35. | For the maintenance of criminal lunatics in Dundrum Criminal Lunatic Asylum, Ireland | 6,848 |
| | TOTAL CIVIL SERVICES, CLASS III. £ | 5,949,146 |

## SCHEDULE (B.)—PART 13.

## CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1882; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For public education in England and Wales, including the expenses of the Education Office in London | 2,683,958 |
| 2. | For salaries and expenses of the Department of Science and Art, and of the establishments connected therewith | 337,181 |
| 3. | For salaries and expenses of the British Museum, including the amount required for the Natural History Museum (and including a supplementary sum of 3,000*l.*) | 132,939 |
| 4. | For salaries and expenses of the National Gallery | 17,273 |
| 5. | For salaries and expenses of the National Portrait Gallery | 2,479 |
| 6. | For grants in aid of the expenditure of certain learned societies in Great Britain and Ireland | 17,600 |
| 7. | For salaries and expenses of the University of London | 11,601 |
| 8. | For preparing an account of the scientific results of the expedition of Her Majesty's ship "Challenger" in 1873, 1874, 1875, and 1876, to investigate the physical and biological conditions of the great ocean basins, and of arranging the collections made during the expedition | 4,500 |

| No. | | Sums not exceeding |
|---|---|---|
| | | £ |
| 9. | For the salaries and expenses of the Royal Commission appointed in connection with the International Exhibitions at Sydney and Melbourne - | 4,937 |
| 10. | For public education in Scotland - - - - - - - | 468,435 |
| 11. | For grants to Scottish Universities - - - - - - | 18,992 |
| 12. | For the annuity to the Board of Trustees of manufactures in Scotland, in discharge of equivalents under the Treaty of Union, to be applied in maintenance of the National Gallery, School of Art and Museum of Antiquities, Scotland, and for the exhibition of the Torrie Collection of Works of Art, and for other purposes - - - - - - | 2,100 |
| 13. | For public education under the Commissioners of National Education in Ireland - - - - - - - - - - | 729,868 |
| 14. | For the salaries and expenses of the National School Teachers' Superannuation Office, Dublin - - - - - - - - - | 1,726 |
| 15. | For the salary and expenses of the Office of the Commissioners of Education in Ireland appointed for the regulation of endowed schools - - | 725 |
| 16. | For salaries and expenses of the National Gallery of Ireland, and for the purchase of pictures - - - - - - - - | 2,339 |
| 17. | For expenses of the Queen's University in Ireland - - - - | 5,199 |
| 18. | For the expenses of the Royal University of Ireland - - - | 2,176 |
| 19. | In aid of the expenses of the Queen's Colleges in Ireland - - - | 15,428 |
| 20. | In aid of the expenses of the Royal Irish Academy, &c. - - - | 2,000 |
| | TOTAL CIVIL SERVICES, CLASS IV. - £ | 4,461,456 |

## SCHEDULE (B.)—PART 14.

### CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1882; viz.:—

| No. | | Sums not exceeding |
|---|---|---|
| | | £ |
| 1. | For expenses of Her Majesty's embassies and missions abroad (including a supplementary sum of 4,500*l.*) - - - - - - - - | 208,070 |
| 2. | For consular establishments abroad, and for other expenditure chargeable on the Consular Vote - - - - - - - - - | 252,387 |
| 3. | For expenses of the mixed commissions established under the treaties with foreign powers for suppressing the traffic in slaves, and of other establishments in connection with that object, including the Muscat subsidy - - - - - - - - - - | 6,097 |
| 4. | For tonnage bounties, bounties on slaves, costs of captors, &c., and expenses of the Liberated African Department - - - - | 11,047 |
| 5. | For salaries and expenses of the three representatives of Her Majesty's Government on the Council of Administration of the Suez Canal Company - - - - - - - - - | 1,670 |
| 6. | In aid of colonial local revenue, and for the salaries and allowances of governors, &c., and for other charges connected with the colonies, including expenses incurred under the Pacific Islanders Protection Act 1875 (including a supplementary sum of 5,730*l.*) - - - | 41,481 |
| 7. | For certain non-effective charges connected with the Orange River Territory and the island of St. Helena - - - - - - - | 2,205 |
| 8. | For subsidies to telegraph companies and for the salary of the Official Director - - - - - - - - - - | 35,300 |
| 9. | For a grant in aid of the revenue of the Island of Cyprus - - | 78,000 |
| | TOTAL CIVIL SERVICES, CLASS V. - £ | 636,257 |

## SCHEDULE (B.)—PART 15.

### CIVIL SERVICES.—CLASS VI.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1882; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For superannuation and retired allowances to persons formerly employed in the public service, and for compassionate or other special allowances and gratuities awarded by the Commissioners of Her Majesty's Treasury | 149,980 |
| 2. | For pensions to masters and seamen of the merchant service, and to their widows and children | 26,550 |
| 3. | For the relief of distressed British seamen abroad | 31,900 |
| 4. | In aid of the local cost of maintenance of pauper lunatics in England and Wales | 425,000 |
| 5. | In aid of the local cost of maintenance of pauper lunatics in Scotland | 76,588 |
| 6. | In aid of the local cost of maintenance of pauper lunatics in Ireland | 87,922 |
| 7. | For the support of certain hospitals and infirmaries in Ireland | 17,058 |
| 8. | For making good the deficiency arising from payments for interest to friendly societies | 49,852 |
| 9. | For miscellaneous, charitable, and other allowances in Great Britain | 3,321 |
| 10. | For certain miscellaneous, charitable, and other allowances in Ireland | 3,985 |
| | TOTAL CIVIL SERVICES, CLASS VI. £ | 1,172,156 |

## SCHEDULE (B.)—PART 16.

### CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1882; viz.:—

| No. | | Sums not exceeding £ |
|---|---|---|
| 1. | For salaries and incidental expenses of temporary commissions and committees, including special inquiries | 39,383 |
| 2. | For certain miscellaneous expenses | 6,127 |
| | TOTAL CIVIL SERVICES, CLASS VII. £ | 45,510 |

## SCHEDULE (B.)—Part 17.

### REVENUE DEPARTMENTS, &c.

Schedule of Sums granted to defray the charges of the several Revenue Departments, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1882; viz.:—

| No. | | Sums not exceeding |
|---|---|---|
| | | £ |
| 1. | For salaries and expenses of the Customs Department | 977,737 |
| 2. | For salaries and expenses of the Inland Revenue Department | 1,873,471 |
| 3. | For salaries and expenses of the Post Office services the expenses of Post Office savings banks, and Government annuities and insurances, and the collection of the Post Office revenue | 3,539,525 |
| 4. | For the Post Office packet service | 707,767 |
| 5. | For salaries and expenses of the Post Office telegraph service | 1,294,081 |
| | Total Revenue Departments £ | 8,392,581 |

## SCHEDULE (B.)—Part 18.

### Greenwich Hospital and School.

| | |
|---|---|
| | £ |
| Advances during the year ending on the 31st day of March 1882 for defraying the expenses of Greenwich Hospital and School | 152,523 |

## SCHEDULE (B.)—Part 19.

### Transvaal.

| | |
|---|---|
| | £ |
| For defraying expenses connected with the Transvaal during the year ending on the 31st day of March 1882 | 400,000 |

## SCHEDULE (B.)—Part 20.

### Afghan War (Grant in Aid).

| | |
|---|---|
| | £ |
| For paying an instalment of a grant in aid of the expenditure incurred by the Government of India upon the war in Afghanistan, in the years 1878–80, which will become due and payable during the year ending on the 31st day of March 1882 | 500,000 |

# CHAPTER 57.

An Act to amend the Law respecting the Regulation of Her Majesty's Forces, and to amend the Army Discipline and Regulation Act, 1879. [27th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

Short title.

**1.** This Act may be cited as the Regulation of the Forces Act, 1881.

Definitions. 42 & 43 Vict. c. 33.

**2.** The Army Discipline and Regulation Act, 1879, is in this Act referred to and may be cited as the Army Act, 1879.

The expression "militia" means the general militia.

The expression "militiaman" includes a non-commissioned officer.

Expressions in this Act shall, except so far as otherwise provided by this Act or the context otherwise requires, have the same meaning as in the Army Act, 1879, as amended by this Act.

## PART I.

### AUXILIARY FORCES AND RESERVES.

*Regular and Auxiliary Forces.*

Removal of doubts as to military command.

**3.** For the purpose of removing doubts as to the powers of command vested or to be vested in officers and others belonging to Her Majesty's forces, it is hereby declared that Her Majesty may, in such manner as to Her Majesty may from time to time seem meet, make regulations as to the persons to be invested as officers, or otherwise, with command over Her Majesty's forces, or any part thereof, or any person belonging thereto, and as to the mode in which such command is to be exercised; provided that command shall not be given to any person over a person superior in rank to himself.

Nothing in this section shall be deemed to be in derogation of any power otherwise vested in Her Majesty.

Regulations respecting government and organisation of militia. 38 & 39 Vict. c. 69. s. 96.

**4.** (1.) The orders and regulations which Her Majesty is authorised by the Militia Voluntary Enlistment Act, 1875, to make with respect to the government of the Militia may, subject to the provisions of this Act and of the Acts for the time being in force in relation to the Militia, provide for the formation of militiamen into regiments, battalions, or military bodies, and for the formation of such regiments, battalions, or military bodies into corps either alone or jointly with any other part of Her Majesty's forces, and for appointing, transferring, or attaching militiamen to corps, and for posting, attaching, or otherwise dealing with militiamen within the corps, and may regulate the appointment, rank, duties, and numbers of the militia officers and non-commissioned officers.

(2.) The said orders and regulations shall not—

(*a*) affect or extend the term for which or the area within which a militiaman is liable under the Acts relating to the Militia to serve, or

(*b.*) authorise a militiaman when belonging to one corps to be transferred without his consent to another corps; or

(*c.*) where the corps of a militiaman includes any battalion or other body of the regular forces, authorise him to be posted without his consent to that battalion or body.

Punishment of militiamen for desertion and absence without leave.

38 & 39 Vict. c. 69. ss. 59, 60, 79. M.A. s. 37.

**5.** (1.) Any militiaman who commits any of the following offences, that is to say,—

without leave lawfully granted, or such sickness or other reasonable cause as may be allowed in accordance with the regulations under the Militia Voluntary Enlistment Act, 1875, fails to appear at the time and place appointed, either for preliminary training, or for training and exercise, or for assembling when embodied, shall—

(*a.*) in the case of embodiment be guilty according to the circumstances of deserting within the meaning of section twelve or of absenting himself without leave within the meaning of section fifteen of the Army Act, 1879; and

(*b.*) in any other case be guilty of absenting himself without leave within the meaning of section fifteen of the Army Act, 1879.

(2) A militiaman who commits an offence under this section or under section twelve or section fifteen of the Army Act, 1879, shall, whether otherwise subject to military law or not, be liable to be taken into military custody, and shall be liable as follows; that is to say,

(*a.*) be liable to be tried by court-martial and convicted and punished accordingly, or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to a fine of not less than forty shillings and not more than twenty-five pounds, and in default of payment to imprisonment, with or without hard labour for any term not less than seven days and not more than the maximum term allowed by law for nonpayment of the fine.

Punishment of fraudulent enlistment of militiaman.

**6.** (1.) If any person commits any of the following offences, that is to say—

(*a.*) when belonging to the Militia, without having fulfilled the conditions enabling him to enlist, enrol, or enter, enlists or enrols in any of the auxiliary or reserve forces, or enters the Royal Navy; or

(*b.*) when belonging to the reserve forces, or to any of the auxiliary forces other than the Militia, or to the Royal Navy, without having fulfilled the conditions enabling him to enlist or enrol, enlists or enrols in the Militia;

such person, if on service as part of the regular forces at the time when he commits the offence, shall be guilty of fraudulent enlistment within the meaning of section thirteen of the Army Act, 1879, and in any other case shall be punishable for making a false answer within the meaning of section thirty-three of the Army Act, 1879; and for the purpose of this section a person shall be deemed to be on service as part of the regular forces if being a militiaman he is embodied, or if belonging to the reserve forces he is called out on permanent service or on army service, or if belonging to the yeomanry or volunteers he is on actual military service.

(2.) A person who commits an offence under this section, shall, whether otherwise subject to military law or not, be liable to be

taken into military custody, and shall be liable as follows; that is to say,

(*a.*) be liable to be tried by court-martial and convicted and punished accordingly; or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to imprisonment with or without hard labour for a term of not less than one month and not more than three months, or to a fine of not less than five pounds and not more than twenty-five pounds, and in default of payment to imprisonment with or without hard labour, for any term not less than one month and not more than the maximum term allowed by law for nonpayment of the fine, and in the case of a second or any subsequent conviction to be sentenced to imprisonment with or without hard labour for not less than two and not more than six months.

(3.) A person who attempts to commit an offence under this section shall, whether otherwise subject to military law or not, be liable to be taken into military custody, tried, convicted, and punished in like manner in all respects as if he had committed an offence under this section with this qualification, that if he is convicted by court-martial, he shall not be liable to any punishment exceeding imprisonment, and if convicted by a court of summary jurisdiction, this section shall apply as if the terms of imprisonment or amounts of fine were reduced by one half.

Application to Militia of 42 & 46 Vict. c. 33. ss. 32 and 34, as to enlistment of men discharged with disgrace.

**7.** (1.) If a person commits any of the following offences, that is to say,

(*a.*) having been discharged with disgrace from any part of Her Majesty's forces, or having been dimissed with disgrace from the Navy, has afterwards enlisted in the Militia without declaring the circumstances of his discharge or dismissal; or

(*b.*) is concerned when subject to military law in the enlistment for service in the Militia of any man when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against this Act,

such person shall be guilty of an offence.

(2.) A person guilty of an offence under this section shall, whether otherwise subject to military law or not be liable to be taken into military custody and shall be liable as follows:—

(*a.*) be liable to be tried by court-martial, and on conviction to suffer such punishment as is imposed for the like offence by section thirty-two or thirty-four of the Army Act, 1879, as the case may be; or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to imprisonment with or without hard labour for any term not less than two and not more than six months.

(3.) For the purpose of this section the expression "discharged with disgrace" means discharged with ignominy, discharged as incorrigible and worthless, or discharged on account of a conviction for felony or a sentence of penal servitude.

Supplemental provisions as to offences by militiaman.

**8.** (1.) In the case of a person charged with the offence of desertion, absence without leave, fraudulent enlistment, false answer, or any offence in connexion with enlistment under this Act—

(*a.*) The alleged offender shall not be liable to be tried both by court-martial and by a court of summary jurisdiction, but may be tried by either of such courts, according as any general or special regulations of the Secretary of State may direct.

(*b.*) Proceedings against the alleged offender when a militiaman, whether before a court-martial or a court of summary jurisdiction, may be instituted, whether the term of his militia service has or has not expired, at any time within two months after the offence becomes known to the commanding officer of the militiaman, if the militiaman is then apprehended, or, if not, within two months after he is apprehended:

(*c.*) Where an offender has on several occasions been guilty of any such offence as above-mentioned, he may, for the purposes of any proceedings against him, be deemed to belong to any one or more of the corps to which he has been appointed or transferred, as well as to the corps to which he properly belongs; and it shall be lawful to charge the offender with any number of the above-mentioned offences at the same time, and to give evidence of such offences against him, and if he be convicted of more than one offence to punish him accordingly, as if he had been previously convicted of any such offence.

(2.) Section one hundred and forty-seven of the Army Act, 1879, shall apply to a Militiaman who is a deserter or absentee without leave, within the meaning of this Act or of the Army Act, 1879, in like manner as it applies to a deserter in that section mentioned.

(3.) Any person who falsely represents himself to any military, naval, or civil authority to be a deserter or absentee without leave from the Militia shall, on conviction by a court of summary jurisdiction, be liable to imprisonment with or without hard labour for a term not exceeding three months.

(4.) Nothing in this Act shall affect the application of sections sixty-one, sixty-two, and sixty-three of the Militia Voluntary Enlistment Act, 1875, to any militiaman.

*Volunteers.*

Removal of doubts as to consolidation of corps under 26 & 27 Vict. c. 65.

**9.** Whereas under the Volunteer Act, 1863, provision is made for the government and organisation of volunteer corps whose services are accepted by Her Majesty, and for all lands, money, effects, and other property belonging to the corps, (in this Act referred to as the corps property,) being vested in the commanding officer of the corps for the time being, and being managed in accordance with rules of the corps made under that Act:

And whereas provision is also made by the said Act for separate volunteer corps being formed under the authority of the Secretary of State into a united body for military and administrative purposes:

And whereas under the authority of the Secretary of State separate volunteer corps (in this Act referred to as constituent corps) have been consolidated into one corps, and form corresponding companies in such consolidated corps, and doubts have arisen with

respect to such consolidation, and it is expedient to remove those doubts: Be it therefore enacted as follows:

(1.) Every volunteer corps formed under the authority of the Secretary of State, whether before or after the passing of this Act, by the consolidation of two or more volunteer corps, shall as from the date of consolidation be deemed to have been a volunteer corps duly formed under the Volunteer Act, 1863, whose services have been accepted by Her Majesty, and the officers and volunteers belonging to the constituent corps shall be deemed to have been duly appointed and enrolled as officers and volunteers of the consolidated corps, and the commanding officer of the consolidated corps shall for the purposes of the Volunteer Act, 1863, be deemed to be the commanding officer thereof, and of every part thereof, and the corps property vested in and the liabilities attached to the commanding officer of the constituent corps on behalf of the corps shall be deemed on consolidation to have become vested in and attached to the commanding officer of the consolidated corps, and all agreements with, grants to, and deeds and documents in favour of any of the constituent corps shall enure for the benefit of and be deemed to refer to the companies in the consolidated corps which correspond to the said constituent corps.

(2.) The said property shall be managed in such manner and for such purposes as, subject to the proviso in this section contained, is directed by the rules of the consolidated corps;

Provided that if and so long as any companies in the consolidated corps which correspond to the said constituent corps continue to exist, and if no other arrangement has been made either before or after the passing of this Act, then, if byelaws are from time to time made for the purpose with the approval of the commanding officer of the consolidated corps, such byelaws, so far as they extend, shall, to the exclusion of the said rules, determine the manner and purposes in and for which such property shall be managed.

(3.) The officers and volunteers of the companies in the consolidated corps which correspond to the said constituent corps shall indemnify the commanding officer of the consolidated corps against all debts and liabilities for which the constituent corps was liable before the consolidation, or which may subsequently arise in respect of the property held by him, which is managed in accordance with the byelaws in this section mentioned.

(4.) No officer or volunteer who belonged to a constituent corps at the time of its consolidation shall, without his consent, be removed to any of the companies not corresponding to that corps.

(5.) Any question which arises under this section as to whether any companies do or do not correspond to a constituent corps, or continue to exist, and any difference between the companies and the consolidated corps, or the commanding officer thereof, in relation to the byelaws, property, debts, or liabilities referred to in this section, shall be referred for the decision of the Secretary of State, whose decision shall be final.

(6.) The provisions of this section with respect to companies shall apply to troops and batteries respectively, and the provisions of this section with respect to companies corresponding to constituent

corps, shall apply to the case of a single troop, battery, or company corresponding to a constituent corps.

*Reserves.*

Provision for Supplemental Reserve.

**10.** (1.) For the purpose of establishing a Supplemental Reserve it shall be lawful for Her Majesty to authorise men to be enrolled in the first class of the army reserve force under the condition that they are not to be called out for permanent service until the whole of the remainder of the said first class have been called out for permanent service, and regulations may from time to time be made under the Reserve Force Act, 1867, for carrying into effect this section. 30 & 31 Vict. c. 110.

Re-engagement of men in militia reserve.

**11.** Where a militiaman who is enlisted in the militia reserve force re-engages as a militiaman, he may also re-engage in the militia reserve force for the same term for which he re-engages in the militia, and may so re-engage in the manner and subject to the conditions provided by the regulations under the Militia Reserve Act, 1867, and regulations may from time to time be made under that Act for the purpose. 30 & 31 Vict. c. 111.

Amendment as to service of reserve forces.

**12.** Whereas under the Acts of 1867 relating to the army and militia reserve forces, the men who entered those forces under those Acts are liable when called out to serve for an indefinite period, and it is desirable to limit that period to the period for which men transferred to the reserve force under the Army Act, 1879, are liable to serve when called out, and otherwise to amend the enactments relating to the said reserve forces: Be it therefore enacted that—

(1.) Men in the army and militia reserve forces when called upon by proclamation of Her Majesty in pursuance of the enactments relating to those forces respectively to enter on permanent service or on army service, as the case may be, shall be liable to serve until Her Majesty no longer requires their services, so, however, that a man shall not be required to serve for a period exceeding in the whole the remainder unexpired of his term of service in the reserve force to which he belongs, and the further period of twelve months during which the service of a soldier of the regular forces may be prolonged under section eighty-three of the Army Act, 1879.

(2.) When a man is called out by such a proclamation as aforesaid, he shall during his service form part of the regular forces and be subject to the Army Act, 1879, accordingly, and the competent military authority within the meaning of Part II. of that Act may, if it seems proper, appoint him to any corps as a soldier of the regular forces, and within three months afterwards transfer him to any other corps, so, however, that he shall be appointed or transferred only to a corps in the arm or branch in which he previously served.

(3.) Any such proclamation of Her Majesty as above in this section mentioned may extend to all or any of the men in the army and militia reserve forces or either of them.

(4.) Men in the army and militia reserve forces shall be liable to be called out annually for training and exercise for such times as the Secretary of State may from time to time direct, not exceeding

in the case of a man in the army reserve force twelve days or twenty drills, and in the case of a man in the militia reserve force fifty-six days. Every such man during his annual training and exercise may be attached to and trained with a body of the regular or auxiliary forces.

The annual training and exercise under this section of a man in the militia reserve force shall be in substitution for the annual training and exercise to which he is liable as a militiaman, and the provisions of the Militia Voluntary Enlistment Act, 1875, and this Act, as to attendance at such last-mentioned annual training, and to the punishment for non-attendance, shall apply to the training and exercise under this section.

Removal of doubts as to pensions of army reserve men. 30 & 31 Vict. c. 110

**13.** Whereas by the Reserve Force Act, 1867, the Secretary of State has power to make regulations respecting the pensions of men belonging to the army reserve force:

And whereas doubts have arisen as to whether the pensions payable to men in pursuance of those regulations can in all cases be awarded and paid by the Commissioners of Chelsea Hospital, and it is expedient to remove such doubts; be it therefore enacted as follows:—

Where, either before or after the passing of this Act, a man in the army reserve force has been called out for permanent service, and at the termination of such service has been returned to the army reserve force, and has become entitled to pension under any regulation by the Secretary of State, made either before or after the passing of this Act, or before or after such calling out or return, then the Commissioners of Chelsea Hospital shall have the same power to award and pay the said pension, and otherwise in relation to the said pension, as they would have if such man had been discharged from the army on reduction.

## PART II.

## AMENDMENTS OF THE ARMY DISCIPLINE AND REGULATION ACT, 1879.

### *Preliminary.*

Construction and duration of part of Act. 44 & 45 Vict. c. —

**14.** This part of this Act shall be construed as one with the Army Act, 1879, and shall continue in force only for the same time and subject to the same provisions as that Act, and together with that Act and sections four, five, and seven of the Army Discipline and Regulation (Annual) Act, 1881, may be cited as the Army Acts, 1879 and 1881.

### AMENDMENTS OF PART I. (DISCIPLINE).

### CRIMES and PUNISHMENTS.

### *Desertion, Fraudulent Enlistment, and Absence without Leave.*

Amendment of ss. 12 and 13 as to desertion and fraudulent enlistment.

**15.** For the purposes of the liability of an offender convicted under section twelve or section thirteen of the Army Act, 1879, of the offence of desertion, or of fraudulent enlistment, or any other offence in those sections mentioned, to the higher punishment imposed by those sections for a second offence, a previous offence under one section may be reckoned as a previous offence under the

other section, with this exception, that the absence of the offender next before any fraudulent enlistment, shall not upon his conviction for that fraudulent enlistment be reckoned as a previous offence of desertion.

*Offences in relation to Prisoner.*

Amendment of s. 20 as to allowing prisoner to escape.

**16.** In substitution for sub-section two of section twenty of the Army Act, 1879, there shall be enacted the following provision:

Every person subject to military law who commits any of the following offences; that is to say,

Wilfully, or without reasonable excuse, allows to escape any prisoner who is committed to his charge, or whom it is his duty to keep or guard,

shall be liable, if he acted wilfully, to suffer penal servitude or such less punishment as in the said Act mentioned, and in any case shall be liable to suffer imprisonment or such less punishment as is in the Army Act, 1879, mentioned.

*Offences in relation to Property.*

Corrupt dealings in respect of supplies to forces.

**17.** In substitution for section twenty-three of the Army Act, 1879, there shall be enacted the following section:

Every person subject to military law who commits any of the following offences; that is to say,

(1.) Connives at the exaction of any exorbitant price for a house or stall let to a sutler; or

(2.) Lays any duty upon, or takes any fee or advantage in respect of, or is in any way interested in, the sale of provisions or merchandise brought into any garrison, camp, station, barrack, or place, in which he has any command or authority, or the sale or purchase of any provisions or stores for the use of any of Her Majesty's forces,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in the Army Act, 1879, mentioned.

Amendment of s. 24 as to injury to property.

**18.** Whereas a soldier guilty of the offence of injuring property is punishable only under section forty or section forty-one of the Army Act, 1879, and it is expedient expressly to declare such offence, be it therefore enacted that there shall be added to section twenty-four of the Army Act, 1879, the following enactment:

Every soldier who commits any of the following offences; that is to say,

Wilfully injures anything in section twenty-four of the Army Act, 1879, mentioned, or any property belonging to a comrade, or to an officer, or to any regimental mess or band, or to any regimental institution, or any public property,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in the Army Act, 1879, mentioned.

*Offences in relation to False Documents.*

False alteration of document.

**19.** There shall be added to section twenty-five of the Army Act, 1879, the following enactment:

Every person subject to military law who commits the following offence; that is to say,

Knowingly and with intent to defraud or injure any person, defaces or alters any document which it is his duty to preserve,

shall on conviction by court-martial be liable to suffer imprisonment or such less punishment as is in the Army Act, 1879, mentioned.

*Offences in relation to Courts-martial.*

Amendment of s. 28 as to power of court-martial over contempt.

**20.** (1.) A court-martial shall have the same power in relation to a prisoner who is guilty of contempt of a court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of the court, as the court have under section twenty-eight of the Army Act, 1879, in relation to any other person subject to military law.

(2.) Where a person not subject to military law commits any offence as a witness before a court-martial, or is guilty of contempt of a court-martial, in any part of India, the court-martial may take the same proceedings as might be taken by any civil court in that part of India in the case of the like offence in that court, and any court in which such proceedings are taken shall have jurisdiction to punish such person accordingly.

*Offences in relation to Enlistment.*

Amendment of ss. 32 and 34 as to enlistment of soldiers discharged with disgrace.

**21.** Sections thirty-two and thirty-four of the Army Act, 1879, shall extend to the case of a person who on account of conviction for felony or of a sentence of penal servitude, has been either discharged from any portion of Her Majesty's forces or dismissed from the navy, in like manner as they apply to the case of a person discharged with ignominy from the regular forces, or dismissed with disgrace from the navy.

*Miscellaneous Military Offences.*

Amendment of s. 40 as to charging for offence to the prejudice of good order and military discipline.

**22.** Notwithstanding the proviso in section forty of the Army Act, 1879, to the effect that no person shall be charged under that section in respect of an offence for which special provision is made in another part of the said Act, the conviction of a person so charged shall not be invalid by reason only of the charge being in contravention of the said proviso, unless it appears that injustice has been done to the person charged by reason of such contravention; but the responsibility of any officer for that contravention shall not be removed by the validity of the conviction.

*Courts-martial.*

Amendment of ss. 47, 48, 51, and 53 as to composition of courts martial.

**23.** (1.) A regimental court-martial may be convened by an officer of any rank, not below the rank of captain, when in command of two or more corps or portions of two or more corps.

(2.) A regimental court-martial shall consist of not less than three officers, each of whom must have held a commission during not less than one whole year.

(3.) A general court-martial shall consist in the United Kingdom, India, Malta, and Gibraltar of not less than nine, and elsewhere

of not less than five officers, each of whom must have held a commission during not less than three whole years, and of whom at least five must be of a rank not below that of captain.

(4.) A district court-martial shall consist in the United Kingdom, India, Malta, and Gibraltar, of not less than five, and elsewhere of not less than three officers, each of whom must have held a commission during not less than two whole years.

(5.) Any reference in the Army Act, 1879, to the number of members of a court-martial named in the order convening the court shall be deemed to refer to the minimum mentioned in this section for a general, district, or regimental court-martial as the case may be.

Amendment of s. 54 as to confirmation, revision, and approval of sentences.

**24.** Section fifty-four of the Army Act, 1879, shall be amended as follows:—

(1.) Where a court-martial is held in a colony, and there is no superior officer in that colony competent to confirm the finding and sentence of the court-martial in the case specified in sub-section four of section fifty-four of the Army Act, 1879, the governor of that colony shall have power to confirm the finding and sentence of the court-martial in like manner in all respects as if he were such superior officer as above mentioned.

(2.) A confirmation may be withheld under sub-section five of the said section, either wholly or partly, and that sub-section shall apply accordingly.

(3.) Nothing in sub-section eight of the said section shall apply to any offence committed on active service.

Amendment of s. 56. as to commutation or remission of sentence.

**25.** In addition to the other authorities who have power under section fifty-six of the Army Act, 1879, to mitigate, remit, and commute the punishment awarded by a court-martial in the case of persons undergoing sentence in any place whatever, any prescribed officer shall have that power.

Amendment of ss. 62, 64 as to prisoners.

**26.** Sub-section four of section sixty-four of the Army Act, 1879, shall apply to a military prisoner, where the sentence of imprisonment was passed upon him in the United Kingdom, as well as in a case where it was passed upon him in India or a colony.

*Miscellaneous.*

Power as to restitution of stolen property.

**27.** (1.) Where a person has been convicted by court-martial of having stolen, embezzled, received knowing it to be stolen, or otherwise unlawfully obtained, any property, and the property or any part thereof is found in the possession of the offender, the authority confirming the finding and sentence of such court-martial, or the Commander-in-Chief, may order the property so found to be restored to the person appearing to be the lawful owner thereof.

(2.) A like order may be made with respect to any property found in the possession of such offender, which appears to the confirming authority or Commander-in-Chief to have been obtained by the conversion or exchange of any of the property stolen, embezzled, received, or unlawfully obtained.

(3.) Moreover where it appears to the confirming authority or Commander-in-Chief from the evidence given before the court-martial, that any part of the property stolen, embezzled, received,

or unlawfully obtained was sold to or pawned with any person without any guilty knowledge on the part of the person purchasing or taking in pawn the property, the authority or Commander-in-Chief may, on the application of that person, and on the restitution of the said property to the owner thereof, order that out of the money (if any) found in the possession of the offender, a sum not exceeding the amount of the proceeds of the said sale or pawning shall be paid to the said person purchasing or taking in pawn.

(4.) An order under this section shall not bar the right of any person, other than the offender, or any one claiming through him, to recover any property or money delivered or paid in pursuance of an order under this section from the person to whom the same is so delivered or paid.

## AMENDMENT OF PART II. (ENLISTMENT).

### *Re-engagement and Prolongation of Service.*

Re-engagement and continuance of service of non-commissioned officers.

**28.** The regulations from time to time made in pursuance of Part II. of the Army Act, 1879, with respect to the enlistment of men in the regular forces, may, if it seems expedient, provide that a non-commissioned officer of the regular forces who extends his army service for the residue unexpired of his original term of enlistment shall have the right at his option to re-engage, under section eighty-one, and to continue his service, under section eighty-two of the said Act, or to do either of such things, subject, nevertheless, to the veto of the Secretary of State or other authority mentioned in the regulations, and to such other conditions as are specified in the regulations.

### *Discharge and Transfer to Reserve Force.*

Amendment of s 83 as to continuance in army service of soldier when on service beyond the seas.

**29.** In the case of a soldier enlisted after the commencement of this Act the competent military authority shall not have power under section eighty-three of the Army Act, 1879, by reason only of such soldier being on service beyond the seas, to detain him in army service for any period after the time at which he would otherwise, by the conditions of his service, be entitled to be transferred to the reserve

Amendment of s 86 as to payment of cost of conveyance of soldier discharged or transferred to the reserve.

**30.** In lieu of sub-section five of section eighty-six of the Army Act, 1879, the following enactment shall have effect:

A soldier of the regular forces who is discharged on the completion of the term of his original enlistment or his re-engagement or is transferred to the reserve shall be entitled to be conveyed free of cost from the place in the United Kingdom where he is discharged or transferred to the place in which he appears from his attestation paper to have been attested, or to any place at which he may at the time of his discharge or transfer decide to take up his residence, and to which he can be conveyed without greater cost.

## AMENDMENTS OF PART IV. (GENERAL PROVISIONS.)

### *Supplemental Provisions as to Courts-martial.*

Amendment of s. 120 as to convening and

**31.** The powers conferred by section one hundred and twenty of the Army Act, 1879, in relation to district courts-martial may be

exercised by any officer or person authorised to convene general courts-martial, whether he is so authorised by warrant of Her Majesty or by warrant from any officer authorised by Her Majesty. confirming of district courts-martial.

**32.** Whereas it is expedient to make provision respecting the conduct of counsel when appearing on behalf of the prosecution or defence at general courts-martial, as provided or about to be provided by rules of procedure made in pursuance of section sixty-nine of the Army Act, 1879; be it therefore enacted as follows: Position of counsel at courts-martial.

(1.) Any conduct of a counsel which would be liable to censure, or be a contempt of court, if it took place before Her Majesty's High Court of Justice in England, shall likewise be deemed liable to censure or a contempt of court, in the case of a court-martial; and the rules laid down for the practice of courts-martial and the guidance of counsel shall be binding on counsel appearing before such courts-martial, and any wilful disobedience of such rules shall be professional misconduct, and, if persevered in, be deemed a contempt of court.

(2.) Where a counsel is guilty of conduct liable to censure, or of a contempt of court, such offence shall be deemed to be an offence within the meaning of section one hundred and twenty-three of the Army Act, 1879, and the president of the court-martial may certify the same to a court of law accordingly; and the court of law to which the same is certified shall deal with such offence in the same manner as if it had been committed in a proceeding before that court.

(3.) A court-martial may, by order under the hand of the president, cause a counsel to be removed from the court who is guilty of such an offence as, in the opinion of the court-martial, requires his removal from court, but in every such case the president shall certify the offence committed to a court of law in manner provided by the above-mentioned section of the Army Act, 1879.

*General Provisions as to Prisons.*

**33.** (1.) Nothing in section one hundred and twenty-seven of the Army Act, 1879, shall require any military convict or military prisoner to be sent to a convict establishment or prison within the United Kingdom, where he belongs to a class with respect to which a Secretary of State has declared that, by reason of the climate or place of his birth or the place of his enlistment, or otherwise, it is not beneficial to the prisoner to transfer him to the United Kingdom; every such declaration shall be laid before both Houses of Parliament. Amendment of s. 127 as to colonial prisons.

(2.) For the purpose of removing doubts it is hereby declared that any order in relation to the execution of the sentence, which can be made under the said section by the court, may be made by the confirming authority in confirming the finding and sentence, and also may be made in the case of any commutation or remission of sentence, by the authority commuting or remitting the sentence.

**34.** Every governor of a prison or other person who under section one hundred and twenty-eight of the Army Act, 1879, is required to receive persons delivered into his custody by military authorities as therein mentioned, shall receive into his custody, for Amendment of s. 128 as to duty of governors of prisons to receive prisoners.

a period not exceeding seven days, any soldier in military custody, upon delivery to him of a written order purporting to be signed by the commanding officer of such soldier.

*Pay.*

Amendment of ss. 133 to 135 as to penal stoppages from ordinary pay.

**35.** (1.) There may be deducted under section one hundred and thirty-four of the Army Act, 1879, from the ordinary pay due to a soldier of the regular forces, in addition to the deductions therein mentioned,—

(*a.*) all ordinary pay for every day of imprisonment under detention on a charge for absence without leave for which he is afterwards awarded imprisonment by his commanding officer; and

(*b.*) where at the time of his enlistment he belonged to any part of the auxiliary forces, the sum required to make good any compensation for which at the time of his enlistment he was under stoppage of pay as a member of the auxiliary forces; and

(*c.*) any sum which he is liable to pay by reason of quitting any part of the auxiliary forces upon his enlistment; and

(*d.*) when he is on board one of Her Majesty's ships all ordinary pay for every day of imprisonment awarded by the commanding officer of that ship, and also such sums as the commanding officer of that ship may award, and that commanding officer shall have power to award the same deductions as a court-martial can award under section one hundred and thirty-four of the Army Act, 1879.

(2.) Any deduction of pay under the Army Act, 1879, or this Act, may be remitted in such manner and by such authority as may be from time to time provided by Royal Warrant, and subject to the provisions of any such warrant may be remitted by the Secretary of State.

(3.) Any regulation or order under section one hundred and thirty-six of the Army Act, 1879, declaring what is to be deemed for the purpose of the provisions of that Act relating to deductions from pay to constitute a day of absence, shall not declare any time to be reckoned as a day unless the absence has lasted for six hours or upwards, whether wholly in one day or partly in one day and partly in another, or unless such absence prevented the man from fulfilling any military duty which was thereby thrown upon some other person.

*Legal Penalties in matters respecting Forces.*

Punishment of false oath and personation.

**36.** (1.) Where any regulations made by the Secretary of State or the Commissioners of Her Majesty's Treasury, with respect to the payment of any military reward, pension, or allowance, or any sum payable in respect of military service, or with respect to the payment of money or delivery of property in the possession of the military authorities, provide for proving, whether on oath or by statutory declaration, the identity of the recipient or any other matter in connexion with such payment, such oath may be administered and declaration taken by the person specified in the regulations, and any person who in such oath or declaration wilfully

makes any false statement shall be liable to the punishment of perjury.

(2.) Any person who falsely represents himself to any military, naval, or civil authority to be a man in or to be a particular man in the regular, reserve, or auxiliary forces shall be deemed to be guilty of personation.

(3.) Any person who is guilty of an offence under the False Personation Act, 1874, in relation to any military pay, reward, pension, or allowance, or to any sum payable in respect of military service, or to any money or property in the possession of the military authorities, or is guilty of personation under this section, shall be liable, on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding twenty-five pounds. 37 & 38 Vict. c. 36.

(4.) Provided that nothing in this section shall prevent any person from being proceeded against and punished under any other enactment or at common law in respect of any offence, so that he be not punished twice for the same offence.

*Exemptions of Officers and Soldiers.*

**37.** Every soldier in Her Majesty's regular forces shall be exempt from serving on any jury. Exemption from jury. See s. 140.

*Evidence.*

**38.** Section one hundred and fifty-six of the Army Act, 1879, shall be amended as follows:— Amendment of s. 156 as to evidence.

(1.) For the purposes of sub-section (*b*) of the section one hundred and fifty-six of the Army Act, 1879, "a letter" shall be deemed to include a return or other document.

(2.) Sub-section (*d*) of the said section shall extend to a gazette as well as to an army list purporting to be published and printed as therein mentioned.

(3.) In lieu of sub-section (*g*) of the said section the following provision shall have effect:—

Where a record is made in one of the regimental books in pursuance of any Act or of the Queen's Regulations, or otherwise in pursuance of military duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated.

(4.) The said section and this section shall apply to all proceedings under any Act relating to any of the auxiliary forces as well as to proceedings under the Army Act, 1879.

*Summary and other Legal Proceedings.*

**39.** (1.) Any offence against the Army Act, 1879, or this Act, or any Act for the time being in force amending the same, which is punishable by a court of summary jurisdiction may be prosecuted, and the fine or forfeiture in respect thereof may be recovered, before a court of summary jurisdiction having jurisdiction either in the place where the offence was committed, or in the place where the offender may for the time being be. Amendment of ss. 159 and 161 as to prosecution of offences.

(2.) Where the maximum fine or imprisonment which a court of summary jurisdiction in England when sitting in an occasional court house is authorised by law to impose is less than the minimum fine or imprisonment fixed by the Army Act, 1879, or this Act, or by any Act relating to any of the auxiliary forces, the court may impose the maximum fine or imprisonment which the court is authorised by law to impose, but if required by either party shall adjourn the case to the next practicable petty sessional court.

## Amendments of Part V. (Application of Military Law. Saving Provisions and Definitions).

### *Persons subject to Military Law.*

Amendment of ss. 168 and 169 as to persons subject to military law as officers and soldiers

**40.** Where any force of volunteers, or of militia, or any other force, is raised in India or in a colony, any law of India or the colony may extend to the officers, non-commissioned officers, and men belonging to such force, whether within or without the limits of India or the colony; and where any such force is serving with part of Her Majesty's regular forces, then so far as the law of India or the colony has not provided for the government and discipline of such force, the Army Act, 1879, as amended by this Act and by any other Act for the time being, shall, subject to such exceptions and modifications as may be specified in the general orders of the general officer commanding Her Majesty's forces with which such force is serving, apply to the officers, non-commissioned officers, and men of such force, in like manner as they apply to the officers, non-commissioned officers, and men respectively mentioned in sections one hundred and sixty-eight and one hundred and sixty-nine of the Army Act, 1879.

Amendment of s. 169 as to duty of commanding officer of volunteers.

**41.** The following provision shall be substituted for the provisions in section one hundred and sixty-nine of the Army Act, 1879, with respect to the duty of the commanding officer of any volunteer corps; that is to say,

It shall be the duty of the commanding officer of any part of the volunteer force not in actual military service, when he knows that any non-commissioned officers or men belonging to that force are about to enter upon any service which will render them subject to military law, to provide for their being informed that they will become so subject, and for their having an opportunity of abstaining from entering on that service.

Extension of 170 to pensioners.

**42.** Section one hundred and seventy of the Army Act, 1879, shall apply to pensioners in like manner in all respects as it applies to non-commissioned officers and men belonging to the auxiliary forces.

Amendment of s. 171 as to application of the Act to Royal Marines.

**43.** There shall be added to section one hundred and seventy-one of the Army Act, 1879, as regards the Royal Marines, the following sub-sections:

(1.) Without prejudice to any power of confirmation by the Admiralty or any officer authorised by them the findings and sentences of any general or district court-martial on an officer or man of the Royal Marines may be confirmed by an officer authorised under sub-section one of section one hundred and seventy-one of the Army Act, 1879, to convene the same, or

by any officer otherwise authorised under the Army Act, 1879, or the Acts for the time being amending the same, to confirm the findings and sentences of general or district courts-martial, as the case may be, for the trial of any soldier of any other portion of the regular forces.

(2.) Any power vested in Her Majesty by the Army Act, 1879, in relation to the making of rules or to any order with respect to pay or to any complaint in respect of an officer who thinks himself wronged shall, as regards the Royal Marines, be vested in and exercised by the Admiralty, and the provisions of that Act relating to such rules, orders, and complaints respectively shall be construed so far as respects the Royal Marines as if "the Admiralty" were substituted for Her Majesty, as well as for the Secretary of State.

(3.) In the provisions of the said Act and of this Act with respect to evidence, the expression "Queen's Regulations" shall be deemed to include Admiralty Regulations.

(4.) If any officers or men of the Royal Marines while borne on the books of any ship commissioned by Her Majesty (otherwise than for service on shore) are employed on land, the senior naval officer present may, if it seems to him expedient, order that they shall, during such employment, be subject to military law under the Army Act, 1879, and while such order is in force they shall be subject to military law under the Army Act, 1879, accordingly.

(5.) Any provision of the said Act with respect to canteens under the authority of the Secretary of State, shall apply to canteens under the authority of the Admiralty.

Amendment of s. 175 as to non-commissioned officer.

**44.** There shall be added to section one hundred and seventy-five of the Army Act, 1879, the following enactments:—

(1.) A non-commissioned officer sentenced by court-martial to penal servitude or imprisonment shall be deemed to be reduced to the ranks.

(2.) An army schoolmaster shall not be liable to be reduced to the ranks, but may nevertheless be sentenced by a court-martial to penal servitude or imprisonment, or to a lower grade of pay, or to be dismissed, and if sentenced to penal servitude or imprisonment, shall be deemed to be dismissed.

(3.) A soldier being an acting non-commissioned officer by virtue of his employment either in a superior rank or in an appointment may be ordered by his commanding officer either for an offence or otherwise to revert to his permanent grade as a non-commissioned officer, or if he has no permanent grade above the ranks, to the ranks.

Amendment of s. 177 as to reserve man.

**45.** (1.) Any man who is enrolled in or has entered the army reserve force and commits any of the following offences, that is to say,—

(*a.*) by any fraudulent means obtains or causes to be obtained any pay or other sum contrary to the regulations of a Secretary of State with respect to the army reserve force; or

(*b.*) being present at any place for the receipt of pay uses threatening or insulting language or behaves in an insub-

ordinate manner to any person who would be his superior officer if he were subject to military law,

shall be liable to be apprehended, tried, and punished in like manner as if such offence were mentioned in section one hundred and seventy-seven of the Army Act, 1879.

(2.) Where any such man commits, in the presence of any officer, any offence under the said section or this section, or under the section of this Act relating to the punishment of personation, that officer may order him to be taken into military custody in like manner as if the man were subject to military law, or, if he thinks fit, may order him to be taken into custody by any constable and brought before a court of summary jurisdiction for the purpose of being dealt with by such court

*Definitions.*

Amendment of s. 180 as to Channel Islands and Isle of Man.

**46.** For the purpose of the provisions of the Army Act, 1879, relating to the execution of sentences and to prisons, any sentence of penal servitude or imprisonment passed in the Channel Islands or the Isle of Man shall be deemed to have been passed in a colony.

Application of Act to persons on board ship.

**47.** Where a person subject to military law is on board a ship, the Army Act, 1879, and the Acts for the time being amending the same, shall apply until he arrives at the port of disembarkation in like manner as if he and the officers in command of him were on land at the place at which he embarked on board the said ship, subject to this proviso, that, if he is sentenced while so on board ship, any finding and sentence, so far as not confirmed and executed on board ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

Amendment of s. 181 as to definition of active service in certain cases.

**48.** Where the governor of a colony in which any of Her Majesty's forces are serving, or if the forces are serving out of Her Majesty's dominions, the general officer commanding such forces, declares at any time or times that, by reason of the imminence of active service or of the recent existence of active service, it is necessary for the public service that the forces in the colony or under his command, as the case may be, should be temporarily subject to the Army Act, 1879, as if they were on active service. then, on the publication in general orders of any such declaration, the forces to which the declaration applies shall be deemed to be on active service for the period mentioned in the declaration, so that the period mentioned in any one declaration do not exceed three months from the date thereof.

If at any time during the said period the governor or general officer for the time being is of opinion that the necessity continues he may from time to time renew such declaration for another period not exceeding three months, and such renewal shall be published and have effect as the original declaration, and if he is of opinion that the said necessity has ceased, he shall state such opinion, and on the publication in general orders of such statement, the forces to which the declaration applies shall cease to be deemed to be on active service.

Every such declaration, renewal of declaration, and statement by the governor of a colony shall be made by proclamation pub-

lished in the official gazette of the colony, and it shall be the duty of every governor or general officer making a declaration or renewal of a declaration under this section, if he has the means of direct telegraphic communication with a Secretary of State, to obtain the previous consent of the Secretary of State to such declaration or renewal, and in any other case to report the same with the utmost practicable speed to the Secretary of State.

The Secretary of State may, if he thinks fit, annul a declaration or renewal purporting to be made in pursuance of this section, without prejudice to anything done by virtue thereof before the date at which the annulment takes effect, and until that date any such declaration or renewal shall be deemed to have been duly made in accordance with this section, and shall have full effect.

Amendment of s. 181 as to definition of "corps."

**49.** In lieu of the portions of the definition of the expression "corps" in section one hundred and eighty-one of the Army Act, 1879, which are repealed by this Act, the following definition shall have effect:

(1.) The expression "corps" means—

(*a*.) In the case of Her Majesty's regular forces—

any such military body, whether known as a territorial regiment or by any different name, as may be from time to time declared by royal warrant to be a corps for the purposes of the Army Act, 1879, and is a body formed by Her Majesty, and either consisting of associated battalions of the regular and auxiliary forces, or consisting wholly of a battalion or battalions of the regular forces, and in either case with or without the whole or any part of the permanent staff of any of the auxiliary forces not included in such military body;

and any reference in part two of the Army Act, 1879, to a corps of the regular forces shall be deemed to refer to any such military body as is herein-before defined to form a corps; and

(*b*) In the case of Her Majesty's auxiliary forces—

any such military body, whether known as a territorial regiment or by any different name, as may be from time to time declared by royal warrant to be a corps for the purposes of the Army Act, 1879, and is a body formed by Her Majesty, and either consisting of associated battalions of the regular and auxiliary forces, or consisting wholly of a battalion or battalions of the auxiliary forces, and either inclusive or exclusive of the whole or any part of the permanent staff of any part of the auxiliary forces;

and any reference in the Army Act, 1879, to a corps of militia shall be construed to refer only to a battalion or battalions of militia.

(2.) In the application of this definition to cavalry, artillery, or engineers the expression "battalion" shall be construed to mean regiment, brigade, or other body into which Her Majesty may have been pleased to divide such cavalry, artillery, or engineers

## PART III.

### MISCELLANEOUS.

### *Explanation of Commencement Act as to Application of Part II. of Army Act to Old Soldiers.*

Explanation of 42 & 43 Vict. c. 32. s. 4 as to position of old soldiers.

**50.** Whereas by section four of the Army Discipline and Regulation (Commencement) Act, 1879, it is enacted as follows:

"The commencement of the Army Discipline Act shall not, nor "shall the expiration of any enactment contained in the Army "Mutiny Act, or the Marine Mutiny Act, affect the position of "any soldier enlisted or re-engaged before the commencement of "the Army Discipline and Regulation Act, 1879, as respects the "reckoning of service, the forfeiture of service, his liability to "serve or to be detained in service, or his liability to transfer "from one corps to another or to the reserve, and the enactments "relating to those matters, including any Article of War, shall "continue to apply to such soldier unless he consents to the "application to him of the provisions of Part Two of the Army "Discipline and Regulation Act, 1879, relating to the same matters:"

And whereas it is expedient to explain more precisely the provisions which apply to soldiers so enlisted or re-engaged as aforesaid: Be it therefore declared as follows:

The following enactments shall apply to soldiers enlisted or re-engaged before the commencement of the Army Act, 1879, who have not consented to the application to them of the provisions of Part Two of that Act; that is to say,

(1.) Part Two of the Army Act, 1879, shall, so far as is consistent with the tenor thereof, apply after the commencement of this Act to every such soldier except as provided by this section.

(2.) The following provisions, namely,—

(*a.*) The whole of section seventy-six (which section relates to reckoning and forfeiture of service);

(*b.*) So much of section eighty-three as allows a soldier to be detained in service otherwise than while a state of war exists or while he is on service beyond the seas;

(*c.*) So much of section eighty-four as relates to any person continuing in or re-entering upon army service for a period during which his service may be prolonged; and

(*d.*) The whole of section eighty-five (which section relates to the power to transfer a soldier to the reserve before the expiration of his term of army service),

shall not apply without his consent to any such soldier.

(3.) Any re-engagement entered into by a soldier at any time since the commencement of the Army Act, 1879, shall be deemed to be a consent by him to the application to him of the above-named provisions; and any soldier who after the commencement of this Act extends his army service for all or any part of the residue of the unexpired term of his original enlistment, or gives notice to his commanding officer of his desire to continue in Her Majesty's service, shall be deemed to have consented to the application to him of the above-named provisions.

(4.) For the purpose of discharge or of transfer to the reserve, the service of any such soldier, to whom section seventy-six of the

Army Act, 1879, does not apply, shall be reckoned in accordance with the enactments in accordance with which it would have been reckoned if the Army Act, 1879, and this Act had not passed;

Provided that such service may with the consent of the soldier and the approval of the competent military authority, as defined by Part Two of the Army Act, 1879, be reckoned from the date of his attestation without any deduction on account of age, imprisonment, desertion, absence without leave, or otherwise, or without deduction on account of any one or more of such matters.

(5.) Any such soldier shall not be liable to be detained in service, or have his service prolonged without his consent, further or otherwise than he would have been liable to if the Army Act, 1879, had not passed.

(6.) Nothing in sub-sections four and five of section eighty of the Army Act, 1879, shall extend without his consent to any soldier who enlisted on or after the twentieth day of June one thousand eight hundred and sixty-seven, and before the ninth day of August one thousand eight hundred and seventy, and who has not re-engaged.

*Amendment of Regimental Debts Act.*

Amendment of 26 & 27 Vict. c. 57. as to collection and disposal of effects of deceased officers and soldiers.

**51.** Subject to any regulations made by Her Majesty by warrant for the better execution of the Regimental Debts Act, 1863, as amended by this Act,—

(1.) The committee of adjustment shall have power to postpone and dispense with the sale of all or any of the effects of the deceased, and when out of the United Kingdom to pay all the debts and collect all the assets of the deceased, and to transfer their worth to any official administrator, but at any time, upon the preferential charges being paid or secured by any person, shall cease further to interfere, except so far as they may be requested so to do, by or on behalf of such person; and

(2.) The paymaster, officer, or other person receiving any surplus, when out of the United Kingdom, may pay thereout his expenses in relation to the surplus, and also any debts of the deceased, and may pay over sums to the representative, widow, or relatives of the deceased, although not present at head-quarters; and

(3.) The Secretary of State for War or for India in Council may act under the Regimental Debts Act, 1863, in relation to any amount due to a deceased officer or soldier, although no surplus is remitted to him, and may, after such notice only (if any) as is determined by the regulations, dispose of the residue or any sums in his hands on account of a deceased officer or soldier, and may dispose of the same, if not exceeding one hundred pounds, among the persons appearing to him to be beneficially entitled to the personal property of the deceased or any of them; and

(4.) The Regimental Debts Act, 1863, shall apply, whether within or without Her Majesty's dominions, to all persons subject to military law as officers or soldiers in like manner as if they were respectively included in the terms officer and soldier, with the exception that the Act shall apply to all warrant officers as if they were officers.

*Commencement, Savings, and Repeal.*

Commencement of part of Act.

**52.** This Act shall come into operation as follows; that is to say,

(*a.*) In the United Kingdom, the Channel Islands, and the Isle of Man at the expiration of one month after the passing of this Act;

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, at the expiration of two months after the passing of this Act; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, at the expiration of six months after the passing of this Act.

And the day upon which this Act so comes into force in any place is in this Act in reference to such place referred to as the commencement of this Act;

Provided that this Act shall, if promulgated in any general order in any place out of the United Kingdom, the Channel Islands, and the Isle of Man, come into full force in that place from and after the date named in such general order, anything in this section contained to the contrary notwithstanding, and such date shall be deemed in reference to such place to be the commencement of this Act.

Saving for existing men.

**53.** Where a man belonging to the regular forces, reserve forces, or the militia was enlisted before the passing of this Act, or before the date of an order or regulation made under this Act, nothing in this Act shall require such man without his consent to serve in, or be appointed, transferred, posted, or attached to any military body in or to which he could not have been required without his consent to serve, or be appointed, transferred, posted, or attached if this Act or the said order or regulation, as the case may be, had not been made, or to serve for any longer period than that for which he was before the passing of this Act, or before the date of such order or regulation, as the case may be, liable to serve.

Repeal of Acts.

**54.** The Acts specified in the Schedule to this Act shall be repealed as from the commencement of this Act to the extent in the third column of that Schedule specified.

Provided that—

(*a.*) This Act, or any repeal by this Act, shall not affect anything done or suffered, or any rights or liabilities acquired or accrued, before the commencement thereof, and any proceedings for carrying into effect anything commenced before the commencement of this Act may be carried on and completed as if this Act had not passed.

(*b.*) Any liability to service or annual training under any enactment hereby repealed shall, as regards any man to whom the provisions of this Act with respect to such service or training do not apply, continue and be enforced as if the enactment had not been repealed.

(*c.*) Any enactment relating to the reckoning of the service of a soldier for the purpose of discharge shall continue to apply, so far as is necessary for the purposes of this Act, as regards any soldier to whom section seventy-six of the Army Act, 1879, does not apply.

(*d.*) In the case of any offence committed before the commencement of this Act, if any proceeding for the trial or punishment of the offender has been commenced before the commencement of this Act, such proceeding may be carried on and completed, and the offender may be tried and punished, as if this Act had not passed, but save as aforesaid, this Act shall apply to the arrest, trial, conviction, and punishment of a person accused of an offence committed before the commencement of this Act, so however that a person shall not be subject to any greater punishment than he is subject to before the commencement of this Act, nor to any punishment for anything done before the commencement of this Act which at the time of its being done was not an offence punishable by law.

Pensions of soldiers formerly in Indian forces.

**55.** Whereas under the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter seventy-four, intituled "An Act to render lawful the enlistment of "persons transferred from the Indian to the general forces of Her "Majesty, and to provide in certain respects for the rights of such "persons," it was provided that where a soldier was transferred from Her Majesty's Indian forces to Her Majesty's general forces it should be lawful for the Commissioners of Chelsea Hospital to calculate the pension of such person in accordance with the regulations either of Her Majesty's Indian or of Her Majesty's general forces, according as such soldier might choose:

And whereas doubts have arisen as to whether certain additions to pensions granted by Royal Warrant to the above-mentioned soldiers in respect of service over and above the term of twenty-one years can, having regard to the above-recited Act, be lawfully granted by the said Commissioners to the said soldiers, and it is expedient to remove such doubts: Be it therefore enacted as follows:

Nothing in the Act above in this section recited shall prevent the Commissioners of Chelsea Hospital from granting to a soldier such pension as is for the time being authorised by Royal Warrant.

## SCHEDULE.

### ENACTMENTS REPEALED.

A description or citation of a portion of an Act in this Schedule is inclusive of the word, section, or other part first and last mentioned or otherwise referred to as forming the beginning, or as forming the end, of the portion described in the description or citation.

| Year and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 42 Geo. 3. c. 68. | An Act to enable His Majesty to accept and continue the services of certain troops or companies of yeomanry in Ireland. | Section seven. |
| 43 Geo. 3. c. 61. | An Act for the relief of soldiers, sailors, and marines, and the widows of soldiers in the cases therein mentioned so far as relates to England. | The whole Act. |

| Year and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 44 Geo. 3. c. 54. | An Act to consolidate and amend the provisions of the several Acts relating to corps of yeomanry and volunteers in Great Britain, and to make further regulations relating thereto. | Section twenty-one, section twenty-five. |
| 47 Geo. 3. sess. 2. c. 25. | An Act for the more convenient payment of half-pay and pensions, and other allowances to officers and widows of officers, and the persons upon the compassionate list | The whole Act except section four. |
| 51 Geo. 3. c. 103. | An Act to authorise the allowing officers to retire on half-pay or other allowances under certain restrictions. | So much as is unrepealed. |
| 52 Geo. 3. c. 151. | An Act to extend the provisions of an Act of the last session of Parliament relating to the half-pay and allowance of officers retiring from service, and to authorise the allowing to foreign officers wounded the like pensions and allowances as are given to British officers under the like circumstances. | The whole Act. |
| 50 Geo 3. c. 87. | An Act to amend two Acts relating to the raising men for the service of the East India Company, and the quartering and billeting such men, and to trials by regimental courts-martial. | So much as is unrepealed. |
| 51 Geo 3. c. 75. | An Act for making further provision for the payment of salaries and other charges in the office of the Commissioners for the Affairs of India, and for enabling the East India Company to restore to the service of the said Company military officers removed therefrom by sentences of courts-martial, and to authorise the said Company, in cases of unforeseen urgency, to take up ships by private contract. | So much as is unrepealed. |
| 58 Geo. 3. c. 73. | An Act for regulating the payment of regimental debts, and the distribution of the effects of officers and soldiers dying in service, and the receipt of sums due to officers. | So much as is unrepealed. |
| 2 & 3 Will. 4. c. 106. | An Act to enable officers in His Majesty's army and their representatives, and the widows of officers and persons on the compassionate list, and also civil officers on retired or superannuation allowances payable by the Paymaster-General of His Majesty's forces, to draw for and receive their half-pay and allowances. | The whole Act. |

| Year and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 7 Will. 4. & 1 Vict. c. 29. | An Act for enabling Her Majesty to grant the rank of general officers to foreigners now bearing Her Majesty's commission, and to permit the enlistment of foreigners under certain restrictions. | So much as is unrepealed. |
| 7 & 8 Vict. c. 18. | An Act to remove doubts as to the power of appointing, convening, and confirming the sentences of courts-martial in the East Indies. | The whole Act. |
| 10 & 11 Vict. c. 37. | An Act for limiting the time of service in the army. | The whole Act. |
| 10 & 11 Vict. c. 68. | An Act for limiting the time of service in the Royal Marine forces. | Section two; section three, from "to serve" to the end of the section; section four, from "according to "the form" to the end of the section, and the schedules. |
| 20 Vict. c. 1. - | An Act to amend the Act for limiting the time of service in the Royal Marine forces. | Section one, from "and the forms of questions" to the end of the section. |
| 26 & 27 Vict. c. 65. | The Volunteer Act, 1863 - | Section three, from "for the purposes of this Act" down to "usages "of Her Majesty's forces," so far as relates to such portion of the permanent staff as are included in any corps of the regular forces within the meaning of this Act, and from "if any non-commissioned officer "of the volunteer permanent staff" to the end of the section; section five, from "officers of the volun- "teer force when not on actual" down to "Articles of War;" section nine; section fourteen, from "for the purposes of this Act" down to "any regulations under "this Act" so far as relates to such portion of the permanent staff as are included in any corps of the regular forces within the meaning of this Act; in section eighteen, the words "and to be billeted and quar- "tered" and from "and to have "relief" down to "or to Scotland;" sections twenty-two and twenty-three; section forty-nine, from "the "term Mutiny Act" down to "Act for "the time being in force," and from "if at any time Her Majesty thinks fit" down to "such men respectively," so far as relates to such portion of the permanent staff as are included in any corps of the regular forces within the meaning of this Act; and the forms of warrant (ii) and (iii) in the schedule. |
| 30 & 31 Vict. c. 34. | An Act for limiting the period of enlistment in Her Majesty's army. | The whole Act. |

| Year and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 30 & 31 Vict. c. 110. | The Reserve Force Act, 1867 - | Sections four, six, seven, and eight; section ten from "and the said force" to the end of the section; section twelve; and section thirteen from "or who having" down to "service as aforesaid." |
| 30 & 31 Vict. c. 111. | The Militia Reserve Act, 1867 - | Section two, from "Mutiny Act means" to the end of the section; section six; section nine and section eleven from "may have volunteered" down to "enlisted under this Act;" and from "and offences committed by such men," to the end of the section. |
| 33 & 34 Vict. c. 67. | The Army Enlistment Act, 1870 | The whole Act except section fourteen, section fifteen down to "Reserve Act, 1867," section twenty, and section twenty-two. |
| 34 & 35 Vict. c. 86. | The Regulation of the Forces Act, 1871. | Sections nine and fifteen. |
| 38 & 39 Vict. c. 69 | The Militia Voluntary Enlistment Act, 1875. | Section two, from "Mutiny Act means" to "authority of the Mutiny Act;" section twenty; section twenty-two; section twenty-nine; section thirty-seven from "and officers either of the militia" to the end of the section; section forty-two; sections fifty-six to sixty; sections sixty-four to seventy-one; sections seventy-three to seventy-five; and section seventy-seven. |
| 39 & 40 Vict. c. 36. | The Customs Consolidation Act, 1876. | Section nine from "nor shall any soldiers" to the end of the section. |
| 41 & 42 Vict. c. 10. | An Act for punishing mutiny and desertion and for the better payment of the army and their quarters. | The whole Act except sections forty-two, forty-seven, and forty-eight, so far as they relate to the reserve forces and are not inconsistent with the Army Act, 1879, and except section forty-four from "Provided that a recruit" to the end of the section; sections fifty-seven, fifty-eight, eighty, one hundred and five, and one hundred and nine, and the first form of oath and the first form of certificate in the schedule, so far as they relate to any of the auxiliary forces and are not inconsistent with the Army Act, 1879 |
| 41 & 42 Vict. c. 11. | An Act for the Regulation of Her Majesty's Royal Marines while on shore. | The whole Act. |
| 42 & 43 Vict. c. 32. | The Army Discipline and Regulation (Commencement) Act, 1879 | Section four from "the expiration of "the Army Mutiny Act shall not" down to "relating to the same "matters." |
| 42 & 43 Vict. c. 33. | The Army Discipline and Regulation Act, 1879. | Section twenty, from "or allows to "escape" down to "keep or guard," (being sub-section two), section twenty-three, in section twenty-eight, the words "whether present "as a witness or bystander, or in "any capacity other than as a "prisoner"; section forty-seven, from "such court-martial shall con- |

| Year and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 42 & 43 Vict. c. 33 —*cont.* | The Army Discipline and Regulation Act, 1879. | sist," down to "not less than three "officers" (being sub-section (2)); section forty-eight, from "a general "court-martial shall consist," down to "consist of three officers" (being sub-sections (3) and (4)); in section fifty-four, part of sub-section five, namely, "and where a court-martial "is held in a colony" down to "above-mentioned" at the end of the sub-section; in sub-section (2) of section eighty-three the words "or while such soldier is on service "beyond the seas" so far as they relate to men enlisted after the commencement of this Act; in section eighty-six, from "a soldier of the "regular forces who is discharged" to the end of the section; in section one hundred and twenty, the words "by warrant of Her Majesty"; section one hundred and thirty-five; section one hundred and fifty-six from "a record made in one of "the regimental books" down to "stated by such record" (being sub-section (g)); section one hundred and sixty-nine, from "Provided that "it shall be the duty of the com-"manding officer," in sub-section (8) down to "in which he shall be "subject to military law," being the end of that sub-section; section one hundred and seventy-one, from "and "if any such officers or men of the "royal marines," in sub-section (8) down to "subject to this Act accordingly," being the end of that sub-section; section one hundred and seventy-three, so far as relates to pensioners; in section one hundred and eighty-one, the definition of "corps" from "as respects cavalry" down to "included in a territorial "brigade and" and from "a regi-"ment of militia" to "volunteers "and," and the last part of the section from "for the purpose of de-"ducting" to the end of the section. |

# CHAPTER 58.

An Act to consolidate the Army Discipline and Regulation Act, 1879, and the subsequent Acts amending the same.

[27th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows.

*Preliminary.*

## *Preliminary.*

Short title of Act.

**1.** This Act may be cited for all purposes as the Army Act, 1881.

Mode of bringing Act into force.

**2.** This Act shall continue in force only for such time and subject to such provisions as may be specified in an annual Act of Parliament bringing into force or continuing the same.

Division of Act.

**3.** This Act is divided into five parts, relating to the following subject-matters; that is to say,

Part I., discipline:

Part II., enlistment:

Part III., billeting and impressment of carriages:

Part IV., general provisions:

Part V., application of military law, saving provisions, and definitions.

## PART I.

## DISCIPLINE.

### CRIMES AND PUNISHMENTS.

*Offences in respect of Military Service.*

*Offences in respect of Military Service.*

Offences in relation to the enemy punishable with death.

**4.** Every person subject to military law who commits any of the following offences; that is to say,

(1.) Shamefully abandons or delivers up any garrison, place, post, or guard, or uses any means to compel or induce any governor, commanding officer, or other person shamefully to abandon or deliver up any garrison, place, post, or guard, which it was the duty of such governor, officer, or person to defend; or

(2.) Shamefully casts away his arms, ammunition, or tools in the presence of the enemy; or

(3.) Treacherously holds correspondence with or gives intelligence to the enemy, or treacherously or through cowardice sends a flag of truce to the enemy; or

(4.) Assists the enemy with arms, ammunition, or supplies, or knowingly harbours or protects an enemy not being a prisoner; or

(5.) Having been made a prisoner of war, voluntarily serves with or voluntarily aids the enemy; or

(6.) Knowingly does when on active service any act calculated to imperil the success of Her Majesty's forces or any part thereof; or

(7.) Misbehaves or induces others to misbehave before the enemy in such manner as to show cowardice,

shall on conviction by court-martial be liable to suffer death, or such less punishment as in this Act mentioned.

*Offences in respect of Military Service.*

Offences in relation to the enemy not punishable with death.

**5.** Every person subject to military law who on active service commits any of the following offences; that is to say,

(1.) Without orders from his superior officer leaves the ranks, in order to secure prisoners or horses, or on pretence of taking wounded men to the rear; or

(2.) Without orders from his superior officer wilfully destroys or damages any property; or

(3.) Is taken prisoner, by want of due precaution, or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner fails to rejoin Her Majesty's service when able to rejoin the same; or

(4.) Without due authority either holds correspondence with, or gives intelligence to, or sends a flag of truce to the enemy; or

(5.) By word of mouth or in writing or by signals or otherwise spreads reports calculated to create unnecessary alarm or despondency; or

(6.) In action, or previously to going into action, uses words calculated to create alarm or despondency,

shall on conviction by court-martial be liable to suffer penal servitude, or such less punishment as is in this Act mentioned.

Offences punishable more severely on active service than at other times.

**6.** (1.) Every person subject to military law who commits any of the following offences; that is to say,

(*a.*) Leaves his commanding officer to go in search of plunder; or

(*b.*) Without orders from his superior officer, leaves his guard, picquet, patrol, or post; or

(*c.*) Forces a safeguard; or

(*d.*) Forces or strikes a soldier when acting as sentinel; or

(*e.*) Impedes the provost marshal or any assistant provost marshal or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of the provost marshal, or, when called on, refuses to assist in the execution of his duty the provost marshal, assistant provost marshal, or any such officer, non-commissioned officer, or other person; or

(*f.*) Does violence to any person bringing provisions or supplies to the forces; or commits any offence against the property or person of any inhabitant of or resident in the country in which he is serving; or

(*g.*) Breaks into any house or other place in search of plunder; or

(*h.*) By discharging firearms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasions false alarms in action, on the march, in the field, or elsewhere; or

(*i.*) Treacherously makes known the parole, watchword, or countersign to any person not entitled to receive it; or treacherously gives a parole, watchword, or countersign different from what he received; or

(*j.*) Irregularly detains or appropriates to his own corps, battalion, or detachment any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect; or

*Offences in respect of Military Service.*

(*k.*) Being a soldier acting as sentinel, commits any of the following offences; that is to say,

*Misbehaviour of sentinel.*

(i.) sleeps or is drunk on his post; or

(ii.) leaves his post before he is regularly relieved,

shall, on conviction by court-martial,

if he commits any such offence on active service, be liable to suffer death, or such less punishment as is in this Act mentioned; and

if he commits any such offence not on active service, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

(2.) Every person subject to military law who commits any of the following offences; that is to say,

(*a.*) By discharging firearms, drawing swords, beating drums, making signals, using words, or by any means whatever, negligently occasions false alarms in action, on the march, in the field, or elsewhere; or

(*b.*) Makes known the parole, watchword, or countersign to any person not entitled to receive it; or, without good and sufficient cause, gives a parole, watchword, or countersign different from what he received,

shall on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Mutiny and Insubordination.*

*Mutiny and Insubordination.*

*Mutiny and sedition.*

**7.** Every person subject to military law who commits any of the following offences; that is to say,

(1.) Causes or conspires with any other persons to cause any mutiny or sedition in any forces belonging to Her Majesty's regular, reserve, or auxiliary forces, or Navy; or

(2.) Endeavours to seduce any person in Her Majesty's regular, reserve, or auxiliary forces, or Navy, from allegiance to Her Majesty, or to persuade any person in Her Majesty's regular, reserve, or auxiliary forces, or Navy, to join in any mutiny or sedition; or

(3.) Joins in, or being present does not use his utmost endeavours to suppress, any mutiny or sedition in any forces belonging to Her Majesty's regular, reserve, or auxiliary forces, or Navy; or

(4.) Coming to the knowledge of any actual or intended mutiny or sedition in any forces belonging to Her Majesty's regular, reserve, or auxiliary forces, or Navy, does not without delay inform his commanding officer of the same,

shall on conviction by court-martial be liable to suffer death, or such less punishment as is in this Act mentioned.

*Striking or threatening superior officer.*

**8.** 1. Every person subject to military law who commits any of the following offences; that is to say,

Strikes or uses or offers any violence to his superior officer, being in the execution of his office,

shall on conviction by court-martial be liable to suffer death, or such less punishment as is in this Act mentioned; and *Mutiny and Insubordination.*

2. Every person subject to military law who commits any of the following offences; that is to say,

Strikes or uses or offers any violence to his superior officer, or uses threatening or insubordinate language to his superior officer,

shall on conviction by court-martial, if he commits such offence on active service, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned; and

if he commits such offence not on active service, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

**9.** 1. Every person subject to military law who commits the following offence; that is to say, Disobedience to superior officer.

Disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office, whether the same is given orally or in writing, or by signal or otherwise,

shall on conviction by court-martial be liable to suffer death, or such less punishment as is in this Act mentioned; and

2. Every person subject to military law who commits the following offence; that is to say,

Disobeys any lawful command given by his superior officer,

shall, on conviction by court-martial, if he commits such offence on active service, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned; and

if he commits such offence not on active service, be liable, if an officer to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

**10.** Every person subject to military law who commits any of the following offences; that is to say, Insubordination.

(1.) Being concerned in any quarrel, fray, or disorder, refuses to obey any officer (though of inferior rank) who orders him into arrest, or strikes or uses or offers violence to any such officer; or

(2.) Strikes or uses or offers violence to any person, whether subject to military law or not, in whose custody he is placed, and whether he is or is not his superior officer; or

(3.) Resists an escort whose duty it is to apprehend him or to have him in charge; or

(4.) Being a soldier breaks out of barracks, camp, or quarters,

shall on conviction by court-martial be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

**11.** Every person subject to military law who commits the following offence; that is to say, Neglect to obey garrison or other orders.

neglects to obey any general or garrison or other orders,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act

*Mutiny and Insubordination.*

mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned

Provided that the expression "general orders" in this section shall not include Her Majesty's regulations and orders for the army or any similar order in the nature of a regulation published for the general information and guidance of the army.

*Desertion, Fraudulent Enlistment, and Absence without Leave.*

*Desertion, Fraudulent Enlistment, and Absence without Leave.*

**12.** 1. Every person subject to military law who commits any of the following offences; that is to say,

Desertion.

(*a.*) Deserts or attempts to desert Her Majesty's service; or

(*b.*) Persuades, endeavours to persuade, procures or attempts to procure, any person subject to military law to desert from Her Majesty's service,

shall, on conviction by court-martial—

if he committed such offence when on active service or under orders for active service, be liable to suffer death, or such less punishment as is in this Act mentioned; and

if he committed such offence under any other circumstances, be liable for the first offence to suffer imprisonment, or such less punishment as is in this Act mentioned; and for the second or any subsequent offence to suffer penal servitude, or such less punishment as is in this Act mentioned.

2. Where an offender has fraudulently enlisted once or oftener, he may, for the purposes of trial for the offence of deserting or attempting to desert Her Majesty's service, be deemed to belong to any one or more of the corps to which he has been appointed or transferred as well as to the corps to which he properly belongs; and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and if he be convicted thereof to punish him accordingly; and further it shall be lawful on conviction of a person for two or more such offences to award him the higher punishment allowed by this section for a second offence as if he had been convicted by a previous court-martial of one of such offences.

3. For the purposes of the liability under this section to the higher punishment for a second offence, a previous offence of fraudulent enlistment may be reckoned as a previous offence under this section

Fraudulent enlistment.

**13.** 1 Every person subject to military law who commits any of the following offences; that is to say,

(*a.*) When belonging to either the regular forces or the militia when embodied, without having first obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist, enlists in Her Majesty's regular forces, or

(*b.*) When belonging to the regular forces without having fulfilled the conditions enabling him to enlist, enrol, or enter, enrols himself, or enlists in the militia or in any of the reserve forces, not subject to military law, or enters the Royal Navy,

shall be deemed to have been guilty of fraudulent enlistment, and shall on conviction by court-martial be liable—

(i.) for the first offence to suffer imprisonment, or such less punishment as is in this Act mentioned; and

(ii.) for the second or any subsequent offence to suffer penal servitude, or such less punishment as is in this Act mentioned.

*Desertion, Fraudulent Enlistment, and Absence without Leave.*

2. Where an offender has fraudulently enlisted on several occasions he may, for the purposes of this section, be deemed to belong to any one or more of the corps to which he has been appointed or transferred, as well as to the corps to which he properly belongs; and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and if he be convicted thereof to punish him accordingly; and further it shall be lawful on conviction of a person for two or more such offences to award him the higher punishment allowed by this section for a second offence as if he had been convicted by a previous court-martial of one of such offences.

3. Where an offender is convicted of the offence of fraudulent enlistment then for the purposes of his liability under this section to the higher punishment for a second offence, the offence of deserting or attempting to desert Her Majesty's service may be reckoned as a previous offence of fraudulent enlistment under this section, with this exception, that the absence of the offender next before any fraudulent enlistment shall not upon his conviction for that fraudulent enlistment be reckoned as a previous offence of deserting or attempting to desert.

Persuasion of or connivance at desertion.

**14.** Every person subject to military law who commits any of the following offences; that is to say,

(1.) Assists any person subject to military law to desert Her Majesty's service; or

(2.) Being cognisant of any desertion or intended desertion of a person subject to military law, does not forthwith give notice to his commanding officer, or take any steps in his power to cause the deserter or intending deserter to be apprehended,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

Absence from duty without leave.

**15.** Every person subject to military law who commits any of the following offences; that is to say,

(1.) Absents himself without leave; or

(2.) Fails to appear at the place of parade or rendezvous appointed by his commanding officer, or goes from thence without leave before he is relieved, or without urgent necessity quits the ranks; or

(3.) Being a soldier, when in camp or garrison or elsewhere, is found beyond any limits fixed or in any place prohibited by any general garrison or other order, without a pass or written leave from his commanding officer; or

(4.) Being a soldier, without leave from his commanding officer, or without due cause, absents himself from any school when duly ordered to attend there,

shall on conviction by court-martial be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Disgraceful Conduct.*

*Disgraceful Conduct.*

Scandalous conduct of officer.

**16.** Every officer who, being subject to military law, commits the following offence; that is to say,

behaves in a scandalous manner, unbecoming the character of an officer and a gentleman,

shall on conviction by court-martial be cashiered.

Fraud by person in charge of moneys or goods

**17.** Every person subject to military law who commits any of the following offences; that is to say,

Being charged with or concerned in the care or distribution of any public or regimental money or goods, steals, fraudulently misapplies, or embezzles the same, or is concerned in or connives at the stealing, fraudulent misapplication, or embezzlement thereof, or wilfully damages any such goods,

shall on conviction by court-martial be liable to suffer penal servitude, or such less punishment as is in this Act mentioned

Disgraceful conduct of soldier

**18.** Every soldier who commits any of the following offences; that is to say,

(1.) Malingers, or feigns or produces disease or infirmity; or

(2.) Wilfully maims or injures himself or any other soldier, whether at the instance of such other soldier or not, with intent thereby to render himself or such other soldier unfit for service, or causes himself to be maimed or injured by any person, with intent thereby to render himself unfit for service; or

(3.) Is wilfully guilty of any misconduct, or wilfully disobeys, whether in hospital or otherwise, any orders, by means of which misconduct or disobedience he produces or aggravates disease or infirmity, or delays its cure; or

(4.) Steals or embezzles or receives knowing them to be stolen or embezzled any money or goods the property of a comrade or of an officer, or any money or goods belonging to any regimental mess or band, or to any regimental institution, or any public money or goods; or

(5.) Is guilty of any other offence of a fraudulent nature not before in this Act particularly specified, or of any other disgraceful conduct of a cruel, indecent, or unnatural kind,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Drunkenness.*

*Drunkenness.*

Drunkenness.

**19.** Every person subject to military law who commits the following offence; that is to say,

The offence of drunkenness, whether on duty or not on duty,

shall on conviction by court-martial be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned, and, either in addition to or in substitution for any other punishment, to pay a fine not exceeding one pound.

*Offences in relation to Prisoners.*

*Offences in relation to Prisoners.*

**20.** Every person subject to military law who commits any of the following offences; that is to say,

Permitting escape of prisoner.

(1.) When in command of a guard, picket, patrol, or post, releases without proper authority, whether wilfully or otherwise, any prisoner committed to his charge; or

(2.) Wilfully or without reasonable excuse allows to escape any prisoner who is committed to his charge, or whom it is his duty to keep or guard,

shall on conviction by court-martial be liable if he has acted wilfully to suffer penal servitude, or such less punishment as is in this Act mentioned, and in any case to suffer imprisonment or such less punishment as is in this Act mentioned.

Irregular imprisonment.

**21.** Every person subject to military law who commits any of the following offences; that is to say,

(1.) Unnecessarily detains a prisoner in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation; or

(2.) Having committed a person to the custody of any officer, non-commissioned officer, provost marshal, or assistant provost marshal, fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost marshal, or assistant provost marshal, into whose custody the person is committed, an account in writing signed by himself of the offence with which the person so committed is charged;

(3.) Being in command of a guard, does not as soon as he is relieved from his guard or duty, or, if he is not sooner relieved, within twenty-four hours after a prisoner is committed to his charge, give in writing to the officer to whom he may be ordered to report the prisoner's name and offence so far as known to him; and the name and rank of the officer or other person by whom he was charged, accompanied, if he has received the account above in this section mentioned, by that account,

shall on conviction by court-martial be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Escape from confinement.

**22.** Every person subject to military law who commits the following offence; that is to say,

Being in arrest or confinement, or in prison or otherwise in lawful custody, escapes, or attempts to escape,

shall on conviction by court-martial be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Offences in relation to Property.*

*Offences in relation to Property.*

**23.** Every person subject to military law who commits any of the following offences; that is to say,

Corrupt dealings in respect of supplies to forces.

(1.) Connives at the exaction of any exorbitant price for a house or stall let to a sutler; or

*Offences in relation to Property.*

(2.) Lays any duty upon, or takes any fee or advantage in respect of, or is in any way interested in, the sale of provisions or merchandise brought into any garrison, camp, station, barrack, or place, in which he has any command or authority, or the sale or purchase of any provisions or stores for the use of any of Her Majesty's forces,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

Deficiency in and injury to equipment.

**24.** Every soldier who commits any of the following offences; that is to say,

(1.) Makes away with, or is concerned in making away with (whether by pawning, selling, destruction, or otherwise howsoever), his arms, ammunition, equipments, instruments, clothing, regimental necessaries, or any horse of which he has charge, or

(2.) Loses by neglect anything before in this section mentioned; or

(3.) Makes away with (whether by pawning, selling, destruction, or otherwise however) any military decoration granted to him; or

(4.) Wilfully injures anything before in this section mentioned or any property belonging to a comrade, or to an officer, or to any regimental mess or band, or to any regimental institution, or any public property; or

(5.) Ill-treats any horse used in the public service,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Offences in relation to False Documents and Statements.*

*Offences in relation to Documents and Statements.*

**25.** Every person subject to military law who commits any of the following offences; that is to say,

Falsifying official documents and false declarations.

(1.) In any report, return, muster roll, pay list, certificate, book, route, or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy—

(*a*.) Knowingly makes or is privy to the making of any false or fraudulent statement; or

(*b*.) Knowingly makes or is privy to the making of any omission with intent to defraud; or

(2.) Knowingly and with intent to defraud or to injure any person suppresses, defaces, alters, or makes away with any document which it is his duty to preserve or produce; or

(3.) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

Neglect to report, and signing in blank.

**26.** Every person subject to military law who commits any of the following offences; that is to say,

(1.) When signing any document relating to pay, arms, ammunition, equipments, clothing, regimental necessaries, provisions, furniture, bedding, blankets, sheets, utensils, forage, or stores, leaves in blank any material part for which his signature is a voucher; or

(2.) Refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send,

*Offences in relation to False Documents and Statements.*

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

**27.** Every person subject to military law who commits any of the following offences; that is to say,

False accusation, or false statement by soldier.

(1.) Being an officer or soldier, makes a false accusation against any other officer or soldier, knowing such accusation to be false; or

(2.) Being an officer or soldier, in making a complaint where he thinks himself wronged, knowingly makes any false statement affecting the character of an officer or soldier, or knowingly and wilfully suppresses any material facts; or

(3.) Being a soldier, falsely states to his commanding officer that he has been guilty of desertion or of fraudulent enlistment, or of desertion from the Navy, or has served in and been discharged from any portion of the regular forces, reserve forces, or auxiliary forces, or the Navy; or

(4.) Being a soldier, makes a wilfully false statement to any military officer or justice in respect of the prolongation of furlough,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Offences in relation to Courts-martial.*

*Offences in relation to Courts-martial.*

**28.** Every person subject to military law who commits any of the following offences; that is to say,

Offences in relation to courts-martial.

(1.) Being duly summoned or ordered to attend as a witness before a court-martial, makes default in attending; or

(2.) Refuses to take an oath or make a solemn declaration legally required by a court-martial to be taken or made; or

(3.) Refuses to produce any document in his power or control legally required by a court-martial to be produced by him; or

(4.) Refuses when a witness to answer any question to which a court-martial may legally require an answer; or

(5.) Is guilty of contempt of a court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court,

shall on conviction by a court-martial other than the court in relation to or before whom the offence was committed, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned:

Provided that where a person subject to military law is guilty of contempt of a court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court, that court, if they think it expedient, instead of the offender being tried by another court-martial, may by order under the hand of the president commit such offender to prison, there to be imprisoned, with or without hard labour, for a period not exceeding twenty-one days.

*Offences in relation to Courts martial.*

False evidence

**29.** Every person subject to military law who commits the following offence; that is to say,

When examined on oath or solemn declaration before a court-martial, or any court or officer authorised by this Act to administer an oath, wilfully gives false evidence,

shall be liable on conviction by court-martial to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Offences in relation to Billeting.*

*Offences in relation to Billeting.*

Offences in relation to billeting.

**30.** Every person subject to military law who commits any of the following offences (in this Act referred to as offences in relation to billeting); that is to say,

(1.) Is guilty of any ill-treatment, by violence, extortion, or making disturbances in billets, of the occupier of a house in which any person or horse is billeted; or

(2.) Being an officer, refuses or neglects, on complaint and proof of such ill-treatment by any officer or soldier under his command, to cause compensation to be made for the same; or

(3.) Fails to comply with the provisions of this Act with respect to the payment of the just demands of the person on whom he or any officer or soldier under his command, or his or their horses, have been billeted, or to the making up and transmitting of an account of the money due to such person; or

(4.) Wilfully demands billets which are not actually required for some person or horse entitled to be billeted; or

(5.) Takes or knowingly suffers to be taken from any person any money or reward for excusing or relieving any person from his liability in respect of the billeting or quartering of officers, soldiers, or horses, or any part of such liability; or

(6.) Uses or offers any menace to or compulsion on a constable or other civil officer to make him give billets contrary to this Act, or tending to deter or discourage him from performing any part of his duty under the provisions of this Act relating to billeting, or tending to induce him to do anything contrary to his said duty; or

(7.) Uses or offers any menace to or compulsion on any person tending to oblige him to receive, without his consent, any person or horse not duly billeted upon him in pursuance of the provisions of this Act relating to billeting, or to furnish any accommodation which he is not thereby required to furnish,

shall on conviction by court-martial be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Offences in relation to Impressment of Carriages*

*Offences in relation to Impressment of Carriages.*

Offences in relation to the impressment of carriages and their attendants

**31.** Every person subject to military law who commits any of the following offences (in this Act referred to as offences in relation to the impressment of carriages); that is to say,

(1.) Wilfully demands any carriages, animals, or vessels which are not actually required for the purposes authorised by this Act; or

*Offences in relation to Impressment of Carriages.*

(2.) Fails to comply with the provisions of this Act relating to the impressment of carriages as regards the payment of sums due for carriages or as regards the weighing of the load; or

(3.) Constrains any carriage, animal, or vessel furnished in pursuance of the provisions of this Act relating to the impressment of carriages to travel against the will of the person in charge thereof beyond the proper distance, or to carry against the will of such person any greater weight than he is required by the said provisions to carry; or

(4.) Does not discharge as speedily as practicable any carriage, animal, or vessel furnished in pursuance of the provisions of this Act relating to the impressment of carriages; or

(5.) Compels the person in charge of any such carriage, animal, or vessel, or permits him to be compelled, to take thereon any baggage or stores not entitled to be carried, or, except where the carriage or animal is furnished upon a requisition of emergency, to take thereon any soldier or servant (except such as are sick), or any woman or person; or

(6.) Ill-treats or permits such person in charge to be ill-treated; or

(7.) Uses or offers any menace to or compulsion on a constable to make him provide any carriage, animal, or vessel which he is not bound in pursuance of the provisions of this Act relating to the impressment of carriages to provide, or tending to deter or discourage him from performing any part of his duty in relation to the providing of carriages, animals, or vessels, or tending to induce him to do anything contrary to his said duty; or

(8.) Forces any carriage, animal, or vessel from the owner thereof,

shall on conviction by court-martial be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

*Offences in relation to Enlistment.*

*Offences in relation to Enlistment.*

Enlistment of soldier or sailor discharged with ignominy or disgrace.

**32.** (1.) Every person having become subject to military law, who is discovered to have committed the following offence; (that is to say,)

Having been discharged with disgrace from any part of Her Majesty's forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the regular forces without declaring the circumstances of his discharge, or dismissal,

shall on conviction by court-martial be liable to suffer penal servitude, or such less punishment as is in this Act mentioned.

(2.) For the purpose of this section, the expression "discharged with disgrace from any part of Her Majesty's forces" means discharged with ignominy, discharged as incorrigible and worthless, or discharged on account of conviction for felony or of a sentence of penal servitude.

False answers or declarations on enlistment.

**33.** Every person having become subject to military law who is discovered to have committed the following offence; that is to say,

*Offences in relation to Enlistment.*

To have made a wilfully false answer to any question set forth in the attestation paper which has been put to him by or by direction of the justice before whom he appears for the purpose of being attested,

shall on conviction by court-martial be liable to suffer imprisonment or such less punishment as is in this Act mentioned.

General offences in relation to enlistment

**34.** Every person subject to military law who commits any of the following offences, that is to say,

(1.) Is concerned in the enlistment for service in the regular forces of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against this Act; or

(2.) Wilfully contravenes any enactments or the regulations of the service in any matter relating to the enlistment or attestation of soldiers of the regular forces,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in this Act mentioned

*Miscellaneous Military Offences.*

*Miscellaneous Military Offences.*

*Miscellaneous Military Offences.*

**35.** Every person subject to military law who commits the following offence; that is to say,

Traitorous words.

Uses traitorous or disloyal words regarding the Sovereign,

shall on conviction by court-martial be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Injurious disclosures.

**36.** Every person subject to military law who commits the following offence; that is to say,

Whether serving with any of Her Majesty's forces or not, without due authority either verbally or in writing or by signal or otherwise, discloses the numbers or position of any forces, or any magazines or stores thereof, or any preparations for, or orders relating to, operations or movements of any forces, at such time and in such manner as in the opinion of the court to have produced effects injurious to Her Majesty's service,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Ill treating soldier

**37.** Every officer or non-commissioned officer who commits any of the following offences; that is to say,

(1.) Strikes or otherwise ill-treats any soldier; or

(2.) Having received the pay of any officer or soldier, unlawfully detains or unlawfully refuses to pay the same when due,

shall on conviction by court-martial be liable, if an officer, to be cashiered or to suffer such less punishment as is in this Act mentioned, and if a non-commissioned officer, to suffer imprisonment or such less punishment as is in this Act mentioned.

Duelling and attempting to commit suicide.

**38.** Every person subject to military law who commits any of the following offences; that is to say,

(1.) Fights, or promotes or is concerned in or connives at fighting a duel; or

*Miscellaneous Military Offences.*

(2.) Attempts to commit suicide,

shall on conviction by court-martial be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Refusal to deliver to civil power officers and soldiers accused of civil offences.

**39.** Every person subject to military law who commits any of the following offences; that is to say,

On application being made to him neglects or refuses to deliver over to the civil magistrate, or to assist in the lawful apprehension of, any officer or soldier accused of an offence punishable by a civil court,

shall on conviction by court-martial be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Conduct to prejudice of military discipline.

**40.** Every person subject to military law who commits any of the following offences; that is to say,

Is guilty of any act, conduct, disorder, or neglect, to the prejudice of good order and military discipline,

shall on conviction by court-martial be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned. Provided that no person shall be charged under this section in respect of any offence for which special provision is made in any other part of this Act, and which is not a civil offence; nevertheless the conviction of a person so charged shall not be invalid by reason only of the charge being in contravention of this proviso, unless it appears that injustice has been done to the person charged by reason of such contravention; but the responsibility of any officer for that contravention shall not be removed by the validity of the conviction.

*Offences punishable by ordinary Law.*

*Offences punishable by ordinary Law.*

Offences punishable by ordinary law of England.

**41.** Subject to such regulations for the purpose of preventing interference with the jurisdiction of the civil courts as are in this Act after mentioned, every person who, whilst he is subject to military law, shall commit any of the offences in this section mentioned shall be deemed to be guilty of an offence against military law, and if charged under this section with any such offence (in this Act referred to as a civil offence) shall be liable to be tried by court-martial, and on conviction to be punished as follows; that is to say,

(1.) If he is convicted of treason, be liable to suffer death, or such less punishment as is in this Act mentioned; and

(2.) If he is convicted of murder, be liable to suffer death; and

(3.) If he is convicted of manslaughter or treason-felony, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned; and

(4.) If he is convicted of rape, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned; and

(5.) If he is convicted of any offence not before in this Act particularly specified which when committed in England is

*Offence punishable by ordinary Law.*

punishable by the law of England, be liable, whether the offence is committed in England or elsewhere, either to suffer such punishment as might be awarded to him in pursuance of this Act in respect of an act to the prejudice of good order and military discipline, or to suffer any punishment assigned for such offence by the law of England.

Provided as follows:—

(*a.*) A person subject to military law shall not be tried by court-martial for treason, murder, manslaughter, treason-felony, or rape committed in the United Kingdom, and shall not be tried by court-martial for treason, murder, manslaughter, treason-felony, or rape committed in any place within Her Majesty's dominions, other than the United Kingdom and Gibraltar, unless such person at the time he committed the offence was on active service, or such place is more than one hundred miles as measured in a straight line from any city or town in which the offender can be tried for such offence by a competent civil court.

(*b.*) A person subject to military law when in Her Majesty's dominions may be tried by any competent civil court for any offence for which he would be triable if he were not subject to military law.

*Redress of Wrongs.*

## *Redress of Wrongs.*

Mode of complaint by officer.

**42.** If an officer thinks himself wronged by his commanding officer, and on due application made to him does not receive the redress to which he may consider himself entitled, he may complain to the Commander-in-Chief in order to obtain justice, who is hereby required to examine into such complaint, and through a Secretary of State make his report to Her Majesty in order to receive the directions of Her Majesty thereon.

Mode of complaint by soldier.

**43.** If any soldier thinks himself wronged in any matter by any officer other than his captain, or by any soldier, he may complain thereof to his captain, and if he thinks himself wronged by his captain, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to his commanding officer, and if he thinks himself wronged by his commanding officer, either in respect of his complaint not being redresed or in respect of any other matter, he may complain thereof to the general or other officer commanding the district or station where the soldier is serving; and every officer to whom a complaint is made in pursuance of this section shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of, the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of.

*Punishments.*

## *Punishments.*

Scale of punishments by courts-martial.

**44.** Punishments may be inflicted in respect of offences committed by persons subject to military law and convicted by courts-martial,—

In the case of officers, according to the scale following:

*a.* Death.

*b.* Penal servitude for a term not less than five years.

*Punishments.*

*c.* Imprisonment, with or without hard labour, for a term not exceeding two years.
*d.* Cashiering.
*e.* Dismissal from Her Majesty's service.
*f.* Forfeiture in the prescribed manner of seniority of rank, either in the army or in the corps to which the offender belongs, or in both.
*g.* Reprimand, or severe reprimand.

In the case of soldiers, according to the scale following:

*h.* Death.
*j.* Penal servitude for a term not less than five years.
*k.* Imprisonment, with or without hard labour, for a term not exceeding two years.
*l* Discharge with ignominy from Her Majesty's service.
*m.* Reduction in the case of a non-commissioned officer to a lower grade, or to the ranks
*n.* Forfeitures, fines, and stoppages.

Provided that—

(1.) Where in respect of any offence under this Act there is specified a particular punishment, or such less punishment as is in this Act mentioned, there may be awarded in respect of that offence, instead of such particular punishment (but subject to the other regulations of this Act as to punishments, and regard being had to the nature and degree of the offence) any one punishment lower in the above scales than the particular punishment.

(2.) An officer shall be sentenced to be cashiered before he is sentenced to penal servitude or imprisonment.

(3.) An officer when sentenced to forfeiture of seniority of rank may also be sentenced to reprimand or severe reprimand.

(4.) A soldier when sentenced to penal servitude or imprisonment may, in addition thereto, be sentenced to be discharged with ignominy from Her Majesty's service.

(5.) Where a soldier on active service is guilty of an aggravated offence of drunkenness, or of an offence of disgraceful conduct, or of any offence punishable with death or penal servitude, it shall be lawful for a court-martial to award for that offence such summary punishment other than flogging as may be directed by rules to be made from time to time by a Secretary of State; and such summary punishment shall be of the character of personal restraint or of hard labour, but shall not be of a nature to cause injury to life or limb, and shall not be inflicted where the confirming officer is of opinion that imprisonment can with due regard to the public service be carried into execution

(6.) The said summary punishment shall not be inflicted upon a non-commissioned officer, or upon a reduced non-commissioned officer, for any offence committed while holding the rank of non-commissioned officer.

(7.) "An aggravated offence of drunkenness" for the purposes of this section means drunkenness committed on the march or otherwise on duty, or after the offender was warned for duty,

*Punishments.*

or when by reason of the drunkenness the offender was found unfit for duty; and notwithstanding anything in this Act it shall not be incumbent on the commanding officer to deal summarily with such aggravated offence of drunkenness.

(8.) "An offence of disgraceful conduct" for the purposes of this section means any offence specified in section eighteen of this Act.

(9.) All rules with respect to summary punishment made in pursuance of this section shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if Parliament be not then sitting, as soon as practicable after the beginning of the then next session of Parliament

(10.) For the purpose of commutation of punishment the summary punishment above mentioned shall be deemed to stand in the scale of punishments next below penal servitude.

(11.) In addition to or without any other punishment in respect of any offence, an offender convicted by court-martial may be subject to forfeiture of any deferred pay, service towards pension, military decoration or military reward, in such manner as may for the time being be provided by Royal Warrant, but shall not, save as may be provided by Royal Warrant, be liable to any forfeiture under the Regimental Debts Act, 1863, or under any Act relating to the military savings banks, or any regulations made in pursuance of either of the above-mentioned Acts.

26 & 27 Vict. c. 57.

(12.) In addition to or without any other punishment in respect of any offence, an offender may be sentenced by court-martial to any deduction authorised by this Act to be made from his ordinary pay.

## ARREST AND TRIAL.

*Arrest.*

### *Arrest.*

Custody of persons charged with offences.

**45.** The following regulations shall be enacted with respect to persons subject to military law when charged with offences punishable under this Act:

(1.) Every person subject to military law when so charged may be taken into military custody: Provided, that in every case where any officer or soldier not on active service remains in such military custody for a longer period than eight days without a court-martial for his trial being ordered to assemble, a special report of the necessity for further delay shall be made by his commanding officer in manner prescribed; and a similar report shall be forwarded every eight days until a court-martial is assembled or the officer or soldier is released from custody:

(2.) Military custody means, according to the usages of the service, the putting the offender under arrest or the putting him in confinement:

(3.) An officer may order into military custody an officer of inferior rank or any soldier, and any non-commissioned officer may order into military custody any soldier, and an officer may order into military custody any officer (though he be of

higher rank) engaged in a quarrel, fray, or disorder; and any such order shall be obeyed, notwithstanding the person giving the order and the person in respect of whom the order is given do not belong to the same corps, arm, or branch of the service: *Arrest.*

(4.) An officer or non-commissioned officer commanding a guard, or a provost-marshal or assistant provost-marshal, shall not refuse to receive or keep any person who is committed to his custody by any officer or non-commissioned officer, but it shall be the duty of the officer or non-commissioned officer who commits any person into custody to deliver at the time of such committal or as soon as practicable, and in every case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost-marshal, or assistant provost-marshal into whose custody the person is committed, an account in writing, signed by himself, of the offence with which the person so committed is charged:

(5.) The charge made against every person taken into military custody shall without unnecessary delay be investigated by the proper military authority, and, as soon as may be, either proceedings shall be taken for punishing the offence, or such persons shall be discharged from custody.

*Power of Commanding Officer.*

*Power of Commanding Officer.*

**46.** (1.) The commanding officer shall upon an investigation being had of a charge made against a person subject to military law under his command of having committed an offence under this Act, dismiss the charge if he in his discretion thinks that it ought not to be proceeded with, but where he thinks the charge ought to be proceeded with, he may take steps for bringing the offender to a court-martial, or in the case of a soldier may deal with the case summarily. Power of commanding officer.

(2.) Where he deals with a case summarily, he may,—

(*a.*) Award to the offender imprisonment, with or without hard labour, for any period not exceeding seven days; and

(*b.*) In the case of the offence of drunkenness, may order the offender to pay a fine not exceeding ten shillings, either in addition to or without imprisonment with or without hard labour; and

(*c.*) In addition to or without any other punishment, may order the offender to suffer any deduction from his ordinary pay authorised by this Act to be made by the commanding officer.

(3.) Where the charge is against a soldier for drunkenness not on duty, and it is not an aggravated offence of drunkenness within the meaning of section forty-four of this Act, the commanding officer shall deal with the case summarily unless the soldier was guilty of drunkenness after being warned for duty, or unless he has been guilty of drunkenness on not less than four occasions in the preceding twelve months, but nothing in this sub-section shall affect the jurisdiction of any court-martial

(4.) In the case of absence without leave, the commanding officer may award imprisonment, with or without hard labour, for any period not exceeding twenty-one days.

*Power of Commanding Officer.*

(5.) Provided that where imprisonment is awarded for absence without leave the commanding officer shall have regard to the number of days during which the offender has been absent, and in no case shall the term of imprisonment awarded, if exceeding seven days, exceed the term of absence.

(6.) Provided that in every case where the power of summary award by a commanding officer exceeds a sentence of seven days imprisonment, the accused person may demand that the evidence against him should be taken on oath, and the same oath or solemn declaration as that required to be taken by witnesses before a court-martial shall be administered to each witness in such case.

(7.) An offender shall not be liable to be tried by court-martial for any offence which has been dealt with summarily by his commanding officer, and shall not be liable to be punished by his commanding officer for any offence of which he has been acquitted or convicted by a competent civil court or by a court-martial.

(8.) A soldier ordered by his commanding officer to suffer imprisonment or pay a fine, or to suffer any deduction from his ordinary pay, shall, if he so request, have a right to be tried by a district court-martial instead of submitting to such imprisonment, fine, or deduction.

(9.) Nothing in this section shall prejudice the power of a commanding officer to award such minor punishments as he is for the time being authorised to award, so, however, that a minor punishment shall not be awarded for any offence for which punishment exceeding seven days is awarded.

*Courts-martial.*

*Courts-martial.*

*Regimental courts-martial.*

**47.** (1.) Any officer authorised by or in pursuance of this Act to convene general and district courts-martial or either of them, also any commanding officer of a rank not below the rank of captain, also any officer of a rank not below the rank of captain when in command of two or more corps or portions of two or more corps, also on board a ship, a commanding officer of any rank may, without warrant and by virtue of this Act, convene a regimental court-martial for the trial of offences committed by soldiers under his command.

(2.) Such court-martial shall consist of not less than three officers, each of whom must have held a commission during not less than one whole year.

(3.) The convening officer shall appoint the president.

(4.) The president of a regimental court-martial shall not be under the rank of captain, unless where the court-martial is held on the line of march, or on board any ship, or unless, in the opinion of the convening officer, such opinion to be expressed in the order convening the court and to be conclusive, a captain is not, with due regard to the public service, available, in any of which cases an officer of any rank may be president.

(5.) A regimental court-martial shall not try an officer, nor award the punishment of death or penal servitude, or of imprisonment in excess of forty-two days, or of discharge with ignominy; but subject as aforesaid, and save as in this Act specially mentioned, any

offence under this Act committed by a person subject to military law, and triable by court-martial, may be tried and punished by a regimental court-martial. *Courts-martial.*

**48.** The following rules are enacted with respect to general courts-martial and district courts-martial: General and district courts-martial.

(1.) A general court-martial shall be convened by Her Majesty, or some officer deriving authority to convene a general court-martial immediately or mediately from Her Majesty:

(2.) A district court-martial shall be convened by an officer authorised to convene general courts-martial, or some officer deriving authority to convene a district court-martial from an officer authorised to convene general courts-martial:

(3.) A general court-martial shall consist in the United Kingdom, India, Malta, and Gibraltar of not less than nine and elsewhere of not less than five officers, each of whom must have held a commission during not less than three whole years, and of whom not less than five must be of a rank not below that of captain:

(4.) A district court-martial shall consist in the United Kingdom, India, Malta, and Gibraltar, of not less than five and elsewhere of not less than three officers, each of whom must have held a commission during not less than two whole years:

(5.) The minimum number mentioned in this section for a general or a district court-martial shall be the legal minimum for that court-martial:

(6.) A district court-martial shall not try a person subject to military law as an officer, nor award the punishment of death or penal servitude; but, subject as aforesaid, any offence under this Act committed by a person subject to military law, and triable by court-martial, may be tried and punished by either a general or district court-martial:

(7.) An officer under the rank of captain shall not be a member of a court-martial for the trial of a field officer:

(8.) Sentence of death shall not be passed on any prisoner without the concurrence of two thirds at the least of the officers serving on the court-martial by which he is tried:

(9.) The president of a court-martial, whether general or district, shall be appointed by order of the authority convening the court, but he shall not be under the rank of field officer, unless the officer convening the court is under that rank, or unless in the opinion of the officer who convenes the court, such opinion to be expressed in the order convening the court, and to be conclusive, a field officer is not, with due regard to the public service, available, in either of which cases an officer not below the rank of captain may be the president of such court-martial, and he shall not be under the rank of captain, except in the case of a district court-martial, where in the opinion of the officer who convenes the court, such opinion to be expressed in the order convening the court, and to be conclusive, a captain is not, having due regard to the public service, available.

**49.** (1.) Where a complaint is made to any officer in command of any detachment or portion of troops in any country beyond the seas, that an offence has been committed by any person subject to Field general courts-martial

*Courts martial.*

military law under his command against the property or person of any inhabitant of or resident in such country,—

then, if in the opinion of such officer it is not practicable that such offence should be tried by an ordinary general court-martial, it shall be lawful for him, although not authorised to convene general courts-martial, to convene a court-martial, in this Act referred to as a field general court-martial, for the trial of the person charged with such offence, provided as follows:

(*a.*) A field general court-martial shall consist of not less than three officers;

(*b.*) The convening officer may preside, but he shall, whenever he deems it practicable, appoint another officer as president, who may be of any rank, but shall, if practicable in the opinion of the convening officer, be not below the rank of captain.

(2.) Section forty-eight of this Act shall not apply to a field general court-martial, but sentence of death shall not be passed on any prisoner by a field general court-martial without the concurrence of all the members.

(3.) A field general court-martial may, notwithstanding the restrictions enacted by this Act in respect of the trial by court-martial of civil offences within the meaning of this Act, try any person subject to military law who is under the command of the convening officer and is charged with any such offence as is mentioned in this section, and may award for such offence any sentence which a general court-martial is competent to award for such offence: Provided always, that no sentence of any such court-martial shall be executed until confirmed as provided by this Act.

*Courts-martial in general.*

**50.** (1.) The officers sitting on a court-martial may belong to the same or different corps, or may be unattached to any corps, and may try persons belonging or attached to any corps.

(2.) The officer who convened a court-martial shall not, save as is otherwise expressly provided by this Act, sit on that court-martial.

(3.) Any of the following persons, that is to say, a prosecutor or witness for the prosecution of any prisoner, or the commanding officer of the prisoner within the meaning of the provisions of this Act which relate to dealing with a case summarily, or the officer who investigated the charges on which a prisoner is arraigned, shall not, save in the case of a field general court-martial, sit on the court-martial for the trial of such prisoner, nor shall he act as judge advocate at such court-martial.

*Challenges by prisoner.*

**51.** (1.) A prisoner about to be tried by any court-martial may object, for any reasonable cause, to any member of the court, including the president whether appointed to serve thereon originally or to fill a vacancy caused by the retirement of an officer objected to, so that the court may be constituted of officers to whom the prisoner makes no reasonable objection.

(2.) Every objection made by a prisoner to any officer shall be submitted to the other officers appointed to form the court.

(3.) If the objection is to the president, such objection, if allowed by one-third or more of the other officers appointed to form the court, shall be allowed, and the court shall adjourn for the purpose of the appointment of another president.

(4.) If an objection to the president is allowed, the authority convening the court shall appoint another president, subject to the same right of the prisoner to object. *Courts martial.*

(5.) If the objection is to a member other than the president, and is allowed by one half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer, subject to the same right of the prisoner to object.

(6.) In order to enable a prisoner to avail himself of his privilege of objecting to any officer, the names of the officers appointed to form the court shall be read over in the hearing of the prisoner on their first assembling, and before they are sworn, and he shall be asked whether he objects to any of such officers, and a like question shall be repeated in respect of any officer appointed to serve in lieu of a retiring officer.

**52.** (1.) An oath shall be administered by the prescribed person to every member of every court-martial before the commencement of the trial in the following form; that is to say, Administration of oaths.

'YOU do swear, that you
'will well and truly try the prisoner [*or* prisoners] before the court
'according to the evidence, and that you will duly administer justice
'according to the Army Act now in force, without partiality,
'favour, or affection, and you do further swear that you will not
'divulge the sentence of the court until it is duly confirmed, and
'you do further swear that you will not on any account at any
'time whatsoever disclose or discover the vote or opinion of any
'particular member of this court-martial, unless thereunto required
'in due course of law. So help you GOD.'

(2.) An oath in the prescribed form or forms shall be administered by the prescribed person to the judge advocate or person officiating as judge advocate (if any), and also to every officer in attendance on a court-martial for the purpose of instruction (if any), and also to every shorthand writer (if any) in attendance on the court-martial.

(3.) Every witness before a court-martial shall be examined on oath, which the president or other prescribed person shall administer in the prescribed form.

(4.) If a person by this Act required either as a member of, or person in attendance on, or witness before a court-martial, or otherwise in respect of a court-martial, to take an oath, objects to take an oath, or is objected to as incompetent to take an oath, the court if satisfied of the sincerity of the objection, or, where the competence of the person to take an oath is objected to, of the oath having no binding effect on the conscience of such person, shall permit such person instead of being sworn to make a solemn declaration in the prescribed form, and for the purposes of this Act such solemn declaration shall be deemed to be an oath.

**53.** (1.) If a court-martial after the commencement of the trial is, by death or otherwise, reduced below the legal minimum, it shall be dissolved Procedure.

(2.) If after the commencement of the trial the president dies or is otherwise unable to attend, and the court is not reduced below

*Courts-martial.*

the legal minimum, the convening authority may appoint the senior member of the court, if of sufficient rank, to be president, and the trial shall proceed accordingly, but if he is not of sufficient rank the court shall be dissolved.

(3.) If, on account of the illness of the prisoner before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(4.) Where a court-martial is dissolved under the foregoing provisions of this section the prisoner may be tried again.

(5.) The president of any court-martial may, on any deliberation amongst the members cause the court to be cleared of all other persons.

(6.) The court may adjourn from time to time.

(7.) The court may also, where necessary, view any place.

(8.) In the case of an equality of votes on the finding the prisoner shall be deemed to be acquitted. In the case of an equality of votes on the sentence, or any question arising after the commencement of the trial except the finding the president shall have a second or casting vote.

(9.) When a court-martial recommend a prisoner to mercy, such recommendation shall be attached to and form part of the proceedings of the court, and shall be promulgated and communicated to the prisoner, together with the finding and sentence.

*Confirmation, revision, and approval of sentences.*

**54.** (1.) The following authorities shall have power to confirm the findings and sentences of courts-martial; that is to say,

(*a.*) In the case of a regimental court-martial, the convening officer or officer having authority to convene such a court-martial at the date of the submission of the finding and sentence thereof:

(*b.*) In the case of a general court-martial, Her Majesty, or some officer deriving authority to confirm the findings and sentences of general courts-martial immediately or mediately from Her Majesty:

(*c.*) In the case of a district court-martial, an officer authorised to convene general courts-martial, or some officer deriving authority to confirm the findings and sentences of district courts-martial from an officer authorised to convene general courts-martial:

(*d.*) In the case of a field general court-martial, an officer authorised to confirm the findings and sentences of general courts-martial for the trial of offences in the force of which the detachment or portion of troops under the command of the convening officer forms part.

(2.) The authority having power to confirm the finding and sentence of a court-martial may send back such finding and sentence, or either of them, for revision once, but not more than once, and it shall not be lawful for the court on any revision to receive any additional evidence; and where the finding only is sent back for revision, the court shall have power without any direction to revise the sentence also. In no case shall the authority recommend the increase of a sentence, nor shall the court-martial on revisal of the sentence, either in obedience to the recommendation of an

authority, or for any other reason, have the power to increase the sentence awarded. *Courts martial.*

(3.) The finding of acquittal, whether on all or some of the offences with which the prisoner is charged, shall not require confirmation or be subject to be revised, and if it relates to the whole of the offences shall be pronounced at once in open court, and the prisoner shall be discharged.

(4.) A member of a court-martial shall not have authority to confirm the finding or sentence of that court-martial, and where a member of a court-martial becomes confirming officer he shall refer the finding and sentence of the court-martial to a superior authority competent to confirm the findings and sentences of the like description of courts-martial, and that authority shall, for the purposes of this Act, be deemed to be in that instance the confirming authority; and where a court-martial is held in a colony, and there is no such superior authority in that colony, the governor of that colony shall have power to confirm the finding and sentence of such court-martial in like manner in all respects as if he were such superior authority as above mentioned.

(5.) An officer having authority to confirm the finding and sentence of a court-martial may withhold his confirmation wholly or partly, and refer such finding and sentence or the part not confirmed to any superior authority competent to confirm the findings and sentences of the like description of courts-martial, and that authority shall for the purposes of this Act be deemed to be in that instance and to the extent of such reference the confirming authority.

(6.) Subject to the provisions of this Act with respect to the finding of acquittal, the finding and sentence of a court-martial shall not be valid except in so far as the same may be confirmed by an authority authorised to confirm the same.

(7.) Sentence of death when passed in a colony shall not, unless passed in respect of an offence committed on active service, be carried into effect unless, in addition to the confirmation otherwise required by this Act, it is approved by the governor of the colony.

(8.) Sentence of death when passed in India in respect of the offence of treason or murder shall not (except where the offence was committed on active service) be carried into effect unless, in addition to the confirmation otherwise required by this Act, it is approved by the Governor-General, or if the offender was tried within the limits of any presidency, by the Governor-General or the governor of that presidency.

(9.) When a person subject to military law is convicted of manslaughter or rape, or any other civil offence under the section of this Act relating to the trial by court-martial of civil offences, and is sentenced to penal servitude, such sentence shall not be carried into execution unless, in addition to the confirmation otherwise required by this Act, it is approved, if the offender has been tried in India by the Governor-General, or if the offender has been tried within the limits of any presidency, by the Governor-General or by the governor of the presidency, or if he has been tried in a colony, by the governor of the colony.

*Courts martial.* Summary court-martial.

**55.** (1.) Where a person subject to military law and being on active service with any body of forces is charged with an offence, a summary court-martial may be convened and shall have jurisdiction to try such offence, if the officer convening the court is of opinion that an ordinary court-martial cannot, having due regard to the public service, be convened to try such offence.

(2.) A summary court-martial shall be convened and constituted, and the members and witnesses sworn, and its proceedings conducted, and its finding and sentence confirmed in such manner as may be provided by this section and rules from time to time made in pursuance of this Act; and sections fifty to fifty-four (both inclusive) of this Act, shall not apply to such court-martial; provided that,—

(*a.*) A summary court-martial shall consist of not less than three officers, unless the officer convening the same is of opinion that three officers are not available, having due regard to the public service, in which case the court-martial may consist of two officers; and

(*b.*) Where a summary court-martial consists of less than three officers the sentence shall not exceed such summary punishment as is allowed by this Act or imprisonment; and

(*c.*) A sentence of death or penal servitude awarded by a summary court-martial shall not be carried into effect unless and until it has been confirmed by the general or field officer commanding the force with which the prisoner is present at the date of his sentence.

Conviction of less offence permissible on charge of greater.

**56.** (1.) A prisoner charged before a court-martial with stealing may be found guilty of embezzlement or of fraudulently misapplying money or property.

(2.) A prisoner charged before a court-martial with embezzlement may be found guilty of stealing or fraudulently misapplying money or property.

(3.) A prisoner charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(4.) A prisoner charged before a court-martial with attempting to desert may be found guilty of desertion or of being absent without leave.

(5.) A prisoner charged before a court-martial with any other offence under this Act may, on failure of proof of an offence being committed under circumstances involving a higher degree of punishment, be found guilty of the same offence as being committed under circumstances involving a less degree of punishment.

*Execution of Sentence.*

EXECUTION OF SENTENCE.

Commutation and remission of sentences.

**57.** (1.) The confirming authority may, when confirming the sentence of any court-martial, mitigate or remit the punishment thereby awarded, or commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court-martial. The confirming authority may also suspend for such time as seems expedient the execution of a sentence.

*Execution of Sentence.*

(2.) When a sentence passed by a court-martial has been confirmed, the following authorities shall have power to mitigate or remit the punishment thereby awarded, or to commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court-martial; that is to say,

(*a.*) As respects persons undergoing sentence in any place whatever, Her Majesty or the Commander-in-Chief or the officer commanding the district or station where the prisoner subject to such punishment may for the time be, or any prescribed officer; and

(*b.*) As respects persons undergoing sentences in India, the Commander-in-Chief of the forces in India, also as respects persons undergoing sentences in any presidency, the Commander-in-Chief of the forces in that presidency; and

(*c.*) As respects persons undergoing sentences in any colony, the officer commanding the forces in that colony; and

(*d.*) As respects persons undergoing sentences in any place not in the United Kingdom, India, or a colony, the officer commanding the forces in such place:

3. Provided that the power given by this section shall not be exercised by an officer holding a command inferior to that of the authority confirming the sentence, unless such officer is authorised by such confirming authority or other superior military authority to exercise such power.

4. An authority having power under this section to mitigate, remit, or commute any punishment may, if it seem fit, do all or any of those things in respect of a person subject to such punishment.

5. The provisions of this Act with respect to an original sentence of penal servitude or imprisonment shall apply to a sentence of penal servitude or imprisonment imposed by way of commutation.

*Effect of sentence of penal servitude.*

**58.** When a person subject to military law is convicted by a court-martial, whether in the United Kingdom or elsewhere, either within or without Her Majesty's dominions, and is sentenced to penal servitude, such conviction and sentence shall be of the same effect as if such person (in this Act referred to as a military convict) had been convicted in the United Kingdom of an offence punishable by penal servitude and sentenced to penal servitude by a competent civil court, and all enactments relating to a person sentenced to penal servitude by a competent civil court shall, so far as circumstances admit, apply accordingly.

*Execution of sentences of penal servitude passed in the United Kingdom.*

**59.** (1.) Where a sentence of penal servitude is passed by a court-martial in the United Kingdom, the military convict on whom such sentence has been passed shall, as soon as practicable, be transferred to a penal servitude prison to undergo his sentence according to law, and until so transferred shall be kept in military custody.

(2.) The order of the committing authority (hereafter in this section mentioned) shall be a sufficient warrant for his transfer to a penal servitude prison.

(3.) At any time before his arrival at a penal servitude prison, the discharging authority (hereafter in this section mentioned) may by order discharge the military convict.

*Execution of Sentence.*

(4.) Any one or more of the following officers shall be the committing authority for the purposes of this section, namely,—

(*a.*) The Commander-in-Chief,

(*b.*) The Adjutant-General,

(*c.*) The commanding officer of the military convict, and

(*d.*) Any other prescribed officer

(5.) Any one of the following officers shall be the discharging authority for the purposes of this section, namely,—

(*a.*) The Commander-in-Chief,

(*b.*) The Adjutant-General, and

(*c.*) Any other prescribed officer.

Execution of sentences of penal servitude passed in India or a colony.

**60.** (1.) Where a sentence of penal servitude is passed by a court-martial in India or any colony, the military convict on whom such sentence has been passed shall, as soon as practicable, be transferred to a penal servitude prison to undergo his sentence according to law.

(2.) The order of the committing authority (hereafter in this section mentioned) shall be a sufficient warrant for his transfer to a penal servitude prison.

(3.) The military convict during the period which intervenes between the passing of his sentence and his arrival at the penal servitude prison (in this section referred to as the term of his intermediate custody) shall be deemed to be in legal custody.

(4.) The military convict during his term of intermediate custody may be kept in military custody or in civil custody, or partly in one description of custody and partly in the other, and may from time to time be transferred from military custody to civil custody and from civil custody to military custody as occasion may require, and may, during his conveyance from place to place, or when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

(5.) "Civil custody," for the purposes of this section, means custody in any authorised prison; nevertheless, where it is not practicable to place the military convict in an authorised prison, he may, by way of civil custody, be confined temporarily in any other prison with the assent of the authority having jurisdiction over that prison.

(6.) The military convict whilst in any prison in which he may legally be placed may be dealt with, in respect of hard labour and otherwise, according to the rules of that prison

(7.) An order of the removing authority (hereafter in this section mentioned) shall be a sufficient authority for the transfer of the military convict from military custody to civil custody and from civil custody to military custody, and his removal from place to place, and for his detention in civil custody, and generally for dealing with such convict in such manner as may be thought expedient during the term of his intermediate custody.

(8.) The removing authority during the term of the intermediate custody of the military convict may from time to time by order provide for his being brought before a court-martial, or any civil court, either as a witness or for trial or otherwise, and an order of such authority shall be a sufficient warrant for the delivering him into military custody, and detaining him in custody until he can

be returned, and for returning him to the place from whence he is brought, or to such other place as may be determined by the removing authority. *Execution of Sentence.*

(9.) Any directions of the removing authority relating to the mode in which the military convict is to be dealt with during the term of his intermediate custody may be contained in the same order or in several orders; and if the orders are more than one, they may be by different officers and at different times.

(10.) At any time before the military convict arrives at a penal servitude prison the discharging authority (hereafter in this section mentioned) may by order discharge the military convict.

(11.) Any one or more of the following officers shall be the committing authority for the purposes of this section; that is to say,

(*a.*) In India—

(i.) The Commander-in-Chief of the forces in India;

(ii.) The Commander-in-Chief of the forces in any presidency in India;

(iii.) The Adjutant-General in India;

(iv.) The Adjutant-General in any presidency in India: and

(*b.*) In a colony, the officer commanding the forces in that colony; and

(*c.*) In any case, whether in India or in a colony, the prescribed officer.

(12.) Any one or more of the following officers shall be the removing authority for the purposes of this section; that is to say,

(*a.*) Any officer in this section named as the committing authority; also

(*b.*) The officer commanding the military district or station where the military convict may for the time being be; also

(*c.*) Any other prescribed officer.

(13.) Any of the following officers shall be the discharging authority for the purposes of this section; that is to say,

(*a.*) The officer who confirmed the sentence; also

(*b.*) Any officer in this section named as the committing authority; also

(*c.*) Any other prescribed officer.

**61.** (1.) Where a sentence of penal servitude is passed by a court-martial in any foreign country, the military convict on whom such sentence has been passed shall as soon as practicable be transferred to a penal servitude prison for the purpose of undergoing his sentence according to law, and, until so transferred, may be kept in military custody. Execution of sentences of penal servitude passed in a foreign country.

(2.) The order of the committing authority (hereafter in this section mentioned) shall be a sufficient warrant for the transfer of the military convict to a penal servitude prison.

(3.) If at any time before his arrival in the United Kingdom the military convict is brought into India or any colony, he may be dealt with by the competent military authority in India or such colony in the same manner in all respects as if he had been there sentenced by court-martial to penal servitude.

(4.) The military convict may at any time before he arrives at any place in the United Kingdom, India, or any colony, be discharged by the discharging authority (hereafter in this section

*Execution of Sentence.*

mentioned) having jurisdiction in any place where the military convict may for the time being be.

(5.) Any one or more of the following officers shall be the committing authority for the purposes of this section; that is to say,

(*a.*) The officer commanding the army or force with which the military convict was serving at the time of his being sentenced;

(*b.*) The officer who confirmed the sentence of the court;

(*c.*) Any other prescribed officer.

(6.) Any committing authority under this section shall also be the discharging authority for the purposes of this section.

General provisions applicable to penal servitude.

**62.** (1.) A penal servitude prison for the purposes of the provisions of this Act relating to penal servitude means any prison or place in which a prisoner sentenced to penal servitude by a civil court in the United Kingdom can for the time being be confined, either permanently or temporarily.

(2.) An "authorised prison" for the purposes of the provisions of this Act relating to penal servitude means any prison in India or any colony which the Governor-General of India or the governor of such colony may, with the concurrence of a Secretary of State, have appointed as a prison in which military convicts may, during the period of their intermediate custody, be confined.

(3.) After a military convict has arrived at the penal servitude prison to undergo his sentence, he shall be dealt with in the like manner as an ordinary civil prisoner under sentence of penal servitude.

Execution of sentences of imprisonment.

**63.** (1.) Where a sentence of imprisonment is passed by court-martial or a commanding officer, the person on whom such sentence has been passed (in the provisions of this Act relating to imprisonment referred to as a military prisoner) shall undergo the term of his imprisonment either in military custody or in a public prison, or partly in one way and partly in the other.

(2.) The order of the committing authority hereafter mentioned shall be a sufficient warrant for the transfer of a military prisoner to a public prison.

(3.) A military prisoner while in a public prison shall be confined, kept to hard labour, and otherwise dealt with in the like manner as an ordinary prisoner under a like sentence of imprisonment

(4.) A military prisoner during his conveyance from place to place, or when on board ship or otherwise, may be subjected to such restraint as is necessary for his detention and removal.

(5.) The discharging authority hereafter mentioned may, at any time during the period of a military prisoner undergoing his imprisonment, by order discharge the prisoner.

(6.) The committing authority or any other prescribed authority may at any time by order remove a military prisoner from one public prison to another, so that he be not removed from a prison in the United Kingdom to a prison elsewhere.

(7.) The removing authority hereafter mentioned may, at any time during the period of the military prisoner undergoing his sentence in a public prison, from time to time by order, provide for his being brought before a court-martial, or any civil court, either as a witness, or for trial or otherwise, and an order of

such authority, shall be a sufficient warrant for delivering him into military custody and detaining him in custody until he can be returned and for returning him to the place from whence he is brought, or to such other place as may be determined by the removing authority. *Execution of Sentence.*

**64.** Where a sentence of imprisonment is passed or is being undergone in the United Kingdom, then for the purposes of the provisions of this Act relating to imprisonment— Supplemental provisions as to sentences of imprisonment passed or being undergone in the United Kingdom.

(1.) The expression "public prison" means any prison in the United Kingdom in which offenders sentenced by a civil court to imprisonment can for the time being be confined:

(2.) Any one or more of the following officers shall be the committing authority:
- (*a.*) The Commander-in-Chief;
- (*b.*) The Adjutant-General;
- (*c.*) The officer who confirmed the sentence;
- (*d.*) The commanding officer of the military prisoner; and
- (*e.*) Any other prescribed officer:

(3.) Any one of the following officers shall be the discharging authority:
- (*a.*) The Commander-in-Chief;
- (*b.*) The Adjutant-General;
- (*c.*) The officer commanding the military district in which the prisoner may be;
- (*d.*) The officer who confirmed the sentence;
- (*e.*) Any other prescribed officer; also,
- (*f.*) Where the sentence was passed by the commanding officer, the commanding officer:

(4.) Any one or more of the following officers shall be the removing authority:
- (*a.*) The Commander-in-Chief;
- (*b.*) The Adjutant-General;
- (*c.*) The officer commanding the military district in which the prisoner may be;
- (*d.*) Any other prescribed officer; also,
- (*e.*) Where the sentence was passed by the commanding officer, the commanding officer.

**65.** Where a sentence of imprisonment is passed or being undergone in India or any colony, then, for the purposes of the provisions of this Act relating to imprisonment— Supplemental provision as to sentences of imprisonment passed or being undergone in India or colony.

(1.) The expression "public prison" means any of the following prisons; that is to say—
- (*a.*) where the sentence was passed in India, any authorised prison in India;
- (*b.*) where the sentence was passed in a colony, any authorised prison in that colony;
- (*c.*) any such authorised prison in any part of Her Majesty's dominions other than that in which the sentence was passed as may be prescribed; and
- (*d.*) any public prison in the United Kingdom as above defined for the purpose of the provisions of this Act relating to imprisonment in the United Kingdom:

*Execution of Sentence*

(2.) "Authorised prison" means any prison in India or any colony which the Governor-General of India or the governor of such colony, with the concurrence of the Secretary of State, may have appointed as a prison in which military prisoners may be confined:

(3.) A military prisoner may temporarily be confined in a prison not a public prison, with the assent of the authority having jurisdiction over such prison. And a military prisoner, who is to undergo his sentence in the United Kingdom until he reaches a prison in the United Kingdom, in which he is to undergo his sentence, may be kept in military custody or in civil custody, and partly in one description of custody and partly in the other, and may from time to time be transferred from military custody to civil custody, and from civil custody to military custody, as occasion may require.

(4.) Any one or more of the following officers shall be the committing authority; that is to say,

(*a.*) In India—

(i.) The Commander-in-Chief of the forces in India,

(ii.) The Commander-in-Chief of the forces in any presidency in India;

(iii.) The Adjutant-General in India; and

(iv.) The Adjutant-General in any presidency in India;

(*b.*) In a colony, the officer commanding the forces in that colony; and

(*c.*) In any case, whether in India or in a colony—

(i.) The officer who confirmed the sentence;

(ii.) The commanding officer of the military prisoner, and

(iii.) Any other prescribed officer:

(5.) Any of the following officers shall be the discharging authority:

(*a.*) The officer commanding the military district or station in which the prisoner may be;

(*b.*) Any officer in this section named as a committing authority, with this exception, that the commanding officer shall only be a discharging authority where the sentence was passed by a commanding officer; and

(*c.*) Any other prescribed officer:

(6.) Any one or more of the following officers shall be the removing authority.

(*a.*) Any officer in this section named as a committing authority,

(*b.*) The officer commanding the military district or station where the prisoner may be; and

(*c.*) Any other prescribed officer.

*Supplemental provision as to sentences of imprisonment passed in a foreign country*

**66.** Where a sentence of imprisonment is passed by a court-martial or commanding officer in any foreign country, then if and as soon as the military prisoner on whom such sentence has been passed is brought into the United Kingdom or India, or any colony, the provisions of this Act shall apply in the same manner in all respects as if the sentence of imprisonment had been passed in the United Kingdom, India, or any colony, as the case may be, with

this addition, that the officer commanding the army or force to which the military prisoner belonged at the time of his being sentenced shall also be deemed to be a committing authority. *Execution of Sentence.*

**67.** (1.) The competent military authority (hereafter in this section mentioned) may give directions for the delivery into military custody of any military prisoner for the time being undergoing his sentence of imprisonment, and the removal of such prisoner, whether with his corps or separately, to any place beyond the seas where the corps, or any part thereof, to which for the time being he belongs, is serving or under orders to serve. Removal of prisoner to place where corps is serving.

(2.) The directions of such competent military authority, or an order of the removing authority issued in pursuance of such directions, shall be sufficient authority for the removal of such prisoner from the prison in which he is confined, and for his conveyance in military custody to any place designated, and for his intermediate custody during such removal and conveyance.

(3.) The competent military authority may further give directions for the discharge of the prisoner either conditionally or unconditionally at any time while he is in military custody under this section.

(4.) For the purposes of this section any one or more of the following officers shall be the competent military authority:

(*a.*) In the United Kingdom—
- (i.) The Commander-in-Chief;
- (ii.) The Adjutant-General; and
- (iii.) Any other prescribed officer:

(*b.*) In India—
- (i.) The Commander-in-Chief of the forces in India;
- (ii.) The Commander-in-Chief of the forces in any presidency in India;
- (iii.) The Adjutant-General in India; and
- (iv.) The Adjutant-General in any presidency in India;

(*c.*) In a colony, the officer commanding the forces in that colony; and

(*d.*) In any case, whether in India or in a colony, the prescribed officer.

**68.** (1.) The term of penal servitude or imprisonment to which a person is sentenced by a court-martial, whether the sentence has been revised or not, and whether the prisoner is already undergoing sentence or not, shall be reckoned to commence on the day on which the original sentence and proceedings were signed by the president of the court-martial. Commencement of term of penal servitude or imprisonment.

(2.) An offender under this Act shall not be subject to imprisonment for more than two consecutive years, whether under one or more sentences.

## MISCELLANEOUS.

*Articles of War and Rules of Procedure.*

### *Articles of War and Rules of Procedure.*

**69.** It shall be lawful for Her Majesty to make Articles of War for the better government of officers and soldiers, and such Articles shall be judicially taken notice of by all judges and in all courts Power of Her Majesty to make Articles of War.

*Articles of War and Rules of Procedure*

whatsoever: Provided that no person shall, by such Articles of War, be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude, except for crimes which are by this Act expressly made liable to such punishment as aforesaid, or be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which does not accord with the provisions of this Act.

Power of Her Majesty to make rules of procedure.

**70.** (1.) Subject to the provisions of this Act Her Majesty may, by rules to be signified under the hand of a Secretary of State, from time to time make, and when made repeal, alter, or add to, provisions in respect of the following matters or any of them; that is to say,

(*a.*) The assembly and procedure of courts of inquiry;

(*b.*) The convening and constituting of courts-martial;

(*c.*) The adjournment, dissolution, and sittings of courts-martial;

(*d.*) The procedure to be observed in trials by court-martial;

(*e.*) The confirmation and revision of the findings and sentences of courts-martial;

(*f.*) The carrying into effect sentences of courts-martial;

(*g.*) The forms of orders to be made under the provisions of this Act relating to courts-martial, penal servitude, or imprisonment;

(*h.*) Any matter in this Act directed to be prescribed;

(*i.*) Any other matter or thing expedient or necessary for the purpose of carrying this Act into execution so far as relates to the investigation, trial, and punishment of offences triable or punishable by military law:

(2.) Provided always, that no such rules shall contain anything contrary to or inconsistent with the provisions of this Act

(3.) All rules made in pursuance of this section shall be judicially noticed.

(4.) All rules made in pursuance of this section shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if Parliament be not then sitting, as soon as practicable after the beginning of the then next session of Parliament.

*Command.*

*Command.*

Removal of doubts as to military command.

**71.** (1.) For the purpose of removing doubts as to the powers of command vested or to be vested in officers and others belonging to Her Majesty's forces, it is hereby declared that Her Majesty may, in such manner as to Her Majesty may from time to time seem meet, make regulations as to the persons to be invested as officers, or otherwise, with command over Her Majesty's forces, or any part thereof, or any person belonging thereto, and as to the mode in which such command is to be exercised; provided that command shall not be given to any person over a person superior in rank to himself.

(2.) Nothing in this section shall be deemed to be in derogation of any power otherwise vested in Her Majesty.

*Inquiry as to and Confession of Desertion.*

*Inquiry as to and Confession of Desertion.*

Inquiry by court on absence of soldier.

**72.** (1.) When any soldier has been absent without leave from his duty for a period of twenty-one days, a court of inquiry may as soon as practicable be assembled, and inquire in the prescribed manner on oath or solemn declaration (which such court is hereby authorised to administer) respecting the fact of such absence, and the deficiency (if any) in the arms, ammunition, equipments, instruments, regimental necessaries, or clothing of the soldier, and if satisfied of the fact of such soldier having absented himself without leave or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any, and the commanding officer of the absent soldier shall enter in the regimental books a record of the declaration of such court.

(2.) If the absent soldier does not afterwards surrender or is not apprehended, such record shall have the legal effect of a conviction by court-martial for desertion.

Confession by soldier of desertion or fraudulent enlistment.

**73.** (1.) Where a soldier signs a confession that he has been guilty of desertion or of fraudulent enlistment, a competent military authority may, by the order dispensing with his trial by a court-martial, or by any subsequent order, award the same forfeitures and the same deductions from pay (if any) as a court-martial could award for the said offence, or as are consequential upon conviction by a court-martial for the said offence, except such of them as may be mentioned in the order.

(2.) If upon any such confession, evidence of the truth or falsehood of such confession cannot then be conveniently obtained, the record of such confession, countersigned by the commanding officer of the soldier, shall be entered in the regimental books, and such soldier shall continue to do duty in the corps in which he may then be serving, or in any other corps to which he may be transferred, until he is discharged or transferred to the reserve, or until legal proof can be obtained of the truth or falsehood of such confession.

(3.) The competent military authority for the purposes of this section means the Commander-in-Chief or Adjutant-General, or, in the case of India, the Commander-in-Chief of the forces in India, or the Commander-in-Chief of the forces of any presidency in India, and in the case of a colony and elsewhere the general or other officer commanding the forces, subject in the case of India, or a colony, or elsewhere, to any directions given by the Commander-in-Chief.

*Provost Marshal.*

*Provost Marshal.*

Provost marshal.

**74.** (1.) For the prompt repression of all offences which may be committed abroad, provost marshals with assistants may from time to time be appointed by the general order of the general officer commanding a body of forces.

(2.) A provost marshal or his assistants may at any time arrest and detain for trial persons subject to military law committing offences and may also carry into execution any punishments to be inflicted in pursuance of a court-martial, but shall not inflict any punishment of his or their own authority.

*Restitution of Stolen Property*

*Restitution of Stolen Property.*

Power as to restitution of stolen property.

**75.** (1.) Where a person has been convicted by court-martial of having stolen, embezzled, received, knowing it to be stolen, or otherwise unlawfully obtained, any property, and the property or any part thereof is found in the possession of the offender, the authority confirming the finding and sentence of such court martial or the Commander-in-Chief, may order the property so found to be restored to the person appearing to be the lawful owner thereof.

(2.) A like order may be made with respect to any property found in the possession of such offender, which appears to the confirming authority or Commander-in-Chief to have been obtained by the conversion or exchange of any of the property stolen, embezzled, received, or unlawfully obtained.

(3.) Moreover where it appears to the confirming authority or Commander-in-Chief from the evidence given before the court-martial, that any part of the property stolen, embezzled, received, or unlawfully obtained was sold to or pawned with any person without any guilty knowledge on the part of the person purchasing or taking in pawn the property, the authority or Commander-in-Chief may, on the application of that person, and on the restitution of the said property to the owner thereof, order that out of the money (if any) found in the possession of the offender, a sum not exceeding the amount of the proceeds of the said sale or pawning shall be paid to the said person purchasing or taking in pawn.

(4.) An order under this section shall not bar the right of any person, other than the offender, or any one claiming through him, to recover any property or money delivered or paid in pursuance of an order under this section from the person to whom the same is so delivered or paid.

## PART II.

## ENLISTMENT.

*Period of Service.*

*Period of Service.*

Limit of original enlistment.

**76.** A person may be enlisted to serve Her Majesty as a soldier of the regular forces for a period of twelve years, or for such less period as may be from time to time fixed by Her Majesty, but not for any longer period, and the period for which a person enlists is in this Act referred to as the term of his original enlistment.

Terms of original enlistment.

**77.** The original enlistment of a person under this Act shall be as follows, either—

(1.) For the whole of the term of his original enlistment in army service; or

(2.) For such portion of the term of his original enlistment as may be from time to time fixed by a Secretary of State, and specified in the attestation paper, in army service, and for the residue of the said term in the reserve.

Change of conditions of service.

**78.** (1.) A Secretary of State may from time to time, by general or special regulations, vary the conditions of service, so as to permit a soldier of the regular forces in army service, with his assent, either

(*a.*) To enter the reserve at once for the residue unexpired of the term of his original enlistment; or *Period of Service.*

(*b.*) To extend his army service for all or any part of the residue unexpired of such term; or

(*c.*) To extend the term of his original enlistment up to the period of twelve years.

(2.) A Secretary of State may from time to time, by general or special regulations, vary the conditions of service so as to permit a man in the reserve, with his assent, to re-enter upon army service for all or any part of the residue unexpired of the term of his original enlistment, or for any period of time not exceeding twelve years in the whole from the date of his original enlistment.

**79.** In reckoning the service of a soldier of the regular forces for the purpose of discharge or of transfer to the reserve— Reckoning and forfeiture of service.

(1.) The service shall begin to reckon from the date of his attestation; but

(2.) Where a soldier of the regular forces has been guilty of any of the following offences:

(*a.*) Desertion from Her Majesty's service, or

(*b.*) Fraudulent enlistment,

then either upon his conviction by court-martial of the offence, or (if, having confessed the offence, he is liable to be tried) upon his trial being dispensed with by order of the competent military authority, the whole of his prior service shall be forfeited, and he shall be liable to serve as a soldier of the regular forces for the term of his original enlistment, reckoned from the date of such conviction or such order dispensing with trial, in like manner as if he had been originally attested at that date:

Provided that a Secretary of State may restore all or any part of the service forfeited under this section to any soldier who may perform good and faithful service, or may otherwise be deemed by such Secretary of State to merit such restoration of service, or may be recommended for such restoration of service by a court-martial.

*Proceedings for Enlistment.*

*Proceedings for Enlistment.*

**80.** (1.) Every person authorised to enlist recruits in the regular forces (in this Act referred to as the "recruiter") shall give to every person offering to enlist a notice in the form for the time being authorised by a Secretary of State, stating the general requirements of attestation and the general conditions of the contract to be entered into by the recruit, and directing such person to appear before a justice of the peace at the time and place therein mentioned. Mode of enlistment and attestation.

(2.) Upon the appearance before a justice of the peace of a person offering to enlist, the justice shall ask him whether he assents to be enlisted, and shall not proceed with the enlistment if he considers the recruit under the influence of liquor.

(3.) If he does not appear before a justice, or on appearing does not assent to be enlisted, no further proceedings shall be taken.

(4.) If he assents to be enlisted—

*Proceedings for Enlistment.*

(*a.*) The justice, after cautioning such person that if he makes any false answer to the questions read to him he will be liable to be punished as provided by this Act, shall read or cause to be read to him the questions set forth in the attestation paper for the time being authorised by a Secretary of State, and shall take care that such person understands each question so read, and after ascertaining that the answer of such person to each question has been duly recorded opposite the same in the attestation paper, shall require him to make and sign the declaration as to the truth of those answers set forth in the said paper, and shall then administer to him the oath of allegiance contained in the said paper:

(*b.*) Upon signing the declaration and taking the oath, such person shall be deemed to be enlisted as a soldier of Her Majesty's regular forces:

(*c.*) The justice shall attest by his signature, in manner required by the said paper, the fulfilment of the requirements as to attesting a recruit, and shall deliver the attestation paper, duly dated, to the recruiter:

(*d.*) The fee for the attestation of a recruit, and for all acts and things incidental thereto, shall be one shilling and no more, and shall be paid to the clerk of the justice:

(*e.*) The officer who finally approves of a recruit for service shall, at his request, furnish him with a certified copy of his attestation paper.

(5.) The date at which the recruit signs the declaration and takes the oath in this section in that behalf mentioned shall be deemed to be the date of the attestation of such recruit.

(6.) The competent military authority, if satisfied that there is any error in the attestation paper of a recruit, may cause the recruit to attend before some justice of the peace, and that justice, if satisfied that such error exists, and is not so material as to render it just that the recruit should be discharged, may amend the error in the attestation paper, and the paper as amended shall thereupon be deemed as valid as if the matter of the amendment had formed part of the original matter of such paper.

Power of recruit to purchase discharge.

**81.** If a recruit within three months after the date of his attestation pays for the use of Her Majesty a sum not exceeding ten pounds, he shall be discharged with all convenient speed, unless he claims such discharge during a period when soldiers in army service who otherwise would be transferred to the reserve are required by a proclamation of Her Majesty in pursuance of this Act to continue in army service, in which case he may be retained in Her Majesty's service during that period, and at the termination thereof shall, if he so require it, on the payment then of the said sum, be discharged.

*Appointment to Corps and Transfers.*

*Appointment to Corps and Transfers.*

Enlistment for general service and appointment to corps.

**82.** (1.) Recruits may, in pursuance of any general or special regulations from time to time made by a Secretary of State, be enlisted for service in particular corps of the regular forces, but save as is provided by such regulations, if any, recruits shall be enlisted for general service.

*Appointment to Corps and Transfers.*

(2.) The competent military authority shall as soon as practicable appoint a recruit, if enlisted for service in a particular corps, to that corps, and if enlisted for general service, to some corps of the regular forces.

Effect of appointment to a corps and provision for transfers.

**83.** A soldier of the regular forces, whether enlisted for general service or not, when once appointed to a corps, shall serve in that corps for the period of his army service, whether during the term of his original enlistment or during the period of such re-engagement as is in this Act mentioned, unless transferred under the following provisions:

(1.) A soldier of the regular forces enlisted for general service may within three months after the date of his attestation be transferred to any corps of the regular forces of the same arm or branch of the service by order of the competent military authority.

(2.) A soldier of the regular forces may at any time with his own consent be transferred by order of the competent military authority to any corps of the regular forces.

(3.) Where a soldier of the regular forces is in pursuance of any of the foregoing provisions transferred to a corps in an arm or branch different from that in which he was previously serving, the competent military authority may by order vary the conditions of his service so as to correspond with the general conditions of service in the arm or branch to which he is transferred.

(4.) A soldier of the regular forces in any branch of the service may be transferred by order of the competent military authority to any corps of the same branch which is serving in the United Kingdom in either of the following cases:

(*a.*) When he has been invalided from service beyond the seas; or

(*b.*) When, in the case of his corps or the part thereof in which he is serving being ordered on service beyond the seas, he is either unfit for such service by reason of his health, or is within two years from the end either of the period of his army service in the term of his original enlistment, or of such re-engagement as is in this Act mentioned.

(5.) Where a soldier of the regular forces in any branch of the service, who was enlisted to serve part of the term of his original enlistment in the reserve, and has not extended his army service for the whole of that time, is on service beyond the seas, and at the time of his corps or the part thereof in which he is serving being ordered to another station or to return home, has more than two years of his army service in the term of his original enlistment unexpired, he may be transferred by order of the competent military authority to any corps of the same branch which or a part of which is on service beyond the seas.

(6.) Where a soldier of the regular forces has been transferred to serve, either as a warrant officer not holding an honorary commission, or in the corps of armourer sergeants, or in the army hospital corps, or in the army service corps, or on the staff, or in the corps of mounted military police, or in any corps not being a corps of infantry, cavalry, artillery, or engineers, he may by order of the competent military authority, either during the term of his original enlistment or during the period of his re-engagement, be removed from such service and transferred to any corps of the regular forces

*Appointment to Corps and Transfers.*

serving in the United Kingdom, or to any corps of the regular forces serving on the station beyond the seas on which he is serving at the time of his removal, or to the corps of the regular forces in which he was serving prior to such first-mentioned transfer either in the rank he holds at the time of his removal or any lower rank.

(7.) Where a soldier of the regular forces—

(*a.*) Has been guilty of the offence of desertion from Her Majesty's service or of fraudulent enlistment, and has either been convicted of the same by a court-martial, or, having confessed the offence, is liable to be tried, but his trial has been dispensed with by order of the competent military authority; or

(*b.*) Has been sentenced by a court-martial for any offence to a punishment not less than imprisonment for a term of six months,

such soldier shall be liable, in commutation wholly or partly of other punishment, to general service, and may from time to time be transferred to such corps of the regular forces as the competent military authority may from time to time order.

(8.) A soldier of the regular forces delivered into military custody or committed by a court of summary jurisdiction in any part of Her Majesty's dominions as a deserter shall be liable to be transferred by order of the competent military authority to any corps of the regular forces near to the place where he is delivered or committed, or to any other corps to which the competent military authority think it desirable to transfer him, and to serve in the corps to which he is so transferred without prejudice to his subsequent trial and punishment.

*Re-engagement and Prolongation of Service.*

*Re-engagement and Prolongation of Service.*

Re-engagement of soldiers.

**84.** (1.) Subject to any general or special regulations from time to time made by a Secretary of State, a soldier of the regular forces if in army service and within three years of the completion of his original term of enlistment may on the recommendation of his commanding officer, and with the approval of the competent military authority, be re-engaged for such further period of army service as will make up a total continuous period of twenty-one years of army service, reckoned from the date of his attestation, and inclusive of any period previously served in the reserve.

(2.) A soldier of the regular forces during his period of re-engagement shall be liable to forfeit his previous service during such period of re-engagement in like manner as he is liable under this part of this Act during the term of his original enlistment.

(3.) A soldier of the regular forces who so re-engages shall make before his commanding officer a declaration in accordance with the said regulations.

Continuance in service after twenty-one years service.

**85.** A soldier of the regular forces who has completed, or will within one year complete, a total period of twenty-one years service, inclusive of any period served in the reserve, may give notice to his commanding officer of his desire to continue in Her Majesty's service in the regular forces; and if the competent military authority approve he may be continued as a soldier of the regular forces in the same manner in all respects as if his term of service were

still unexpired, except that he may claim his discharge at the expiration of any period of three months after he has given notice to his commanding officer of his wish to be discharged.

*Re-engagement and Prolongation of Service.*

Re-engagement and continuance of service of non-commissioned officers.

**86.** The regulations from time to time made in pursuance of this part of this Act may, if it seems expedient, provide that a non-commissioned officer of the regular forces who extends his army service for the residue unexpired of his original term of enlistment shall have the right at his option to re-engage, under section eighty-four, and to continue his service, under section eighty-five of this Act, or to do either of such things, subject, nevertheless, to the veto of the Secretary of State or other authority mentioned in the regulations, and to such other conditions as are specified in the regulations.

Prolongation of service in certain cases.

**87.** (1.) Where the time at which a soldier of the regular forces would otherwise be entitled to be discharged occurs while a state of war exists between Her Majesty and any foreign power, or while such soldier is on service beyond the seas, or while soldiers in the reserve are required by a proclamation, in pursuance of this Act, to continue in or re-enter upon army service, the soldier may be detained, and his service may be prolonged for such further period, not exceeding twelve months, as the competent military authority may order; but at the expiration of that period, or any earlier period at which the competent military authority considers his services can be dispensed with, the soldier shall, as provided by this Act, be discharged with all convenient speed.

(2.) Where the time at which a soldier of the regular forces would otherwise be entitled to be transferred to the reserve occurs while a state of war exists between Her Majesty and any foreign power, the soldier may be detained in army service for such further period, not exceeding twelve months, as the competent military authority may order, but at the expiration of that period, or any earlier period at which the competent military authority considers his services can be dispensed with, the soldier shall with all convenient speed be sent to the United Kingdom for the purpose of being transferred to the reserve.

(3.) If a soldier required under this section to be discharged or sent to the United Kingdom desires, while a state of war exists between Her Majesty and any foreign power, to continue in Her Majesty's service, and the competent military authority approve, he may agree to continue as a soldier of the regular forces in the same manner in all respects as if his term of service were still unexpired, except that he may claim his discharge at the end of such state of war, or, if it is so provided by such agreement, at the expiration of any period of three months after he has given notice to his commanding officer of his wish to be discharged.

(4.) A soldier who so agrees to continue shall make before his commanding officer a declaration in accordance with any general or special regulations from time to time made by a Secretary of State.

In imminent national danger Her Majesty may continue soldiers in army service or

**88.** (1.) It shall be lawful for Her Majesty in Council in case of imminent national danger or of great emergency, by proclamation, the occasion being first communicated to Parliament, if Parliament be then sitting, or if Parliament be not then sitting, declared by the proclamation, to direct from time to time that all or any persons

*Re-engagement and Prolongation of Service*

who would otherwise be entitled in pursuance of the terms of their enlistment to be transferred to the reserve shall continue in army service, and such persons shall accordingly continue to serve in army service, for the same period for which they might be required to serve, if they had been transferred to the reserve and called out for permanent service by a proclamation of Her Majesty under the enactments relating to the reserve

call out for permanent service

(2.) Any man who has entered the reserve in pursuance of the terms of his enlistment may be called out for permanent service by a proclamation of Her Majesty under the enactments relating to the calling out of the reserve on permanent service.

*Discharge and Transfer to Reserve Force.*

*Discharge and Transfer to Reserve Force*

**89.** In the following cases; that is to say,

Transfer of soldier to reserve when corps ordered abroad.

(1.) Where a soldier of the regular forces has been invalided from service beyond the seas; or

(2.) Where a corps to which a soldier of the regular forces belongs, or the part thereof in which he is serving, is ordered on service beyond the seas, and the soldier is either unfit for such service by reason of his health, or is within two years of the end of the period of his army service in the term of his original enlistment,

the competent military authority may by order transfer him to the reserve in like manner as if the period of his actual service were specified in his attestation paper as the portion of the term of his original enlistment which was to be spent in army service.

Discharge or transfer to reserve.

**90.** (1.) Save as otherwise provided by this Act or the Acts relating to the reserve forces, every soldier of the regular forces upon the completion of the term of his original enlistment, or of the period of his re-engagement, shall be discharged with all convenient speed, but until so discharged shall be subject to this Act as a soldier of the regular forces.

(2.) Where a soldier of the regular forces enlisted in the United Kingdom is, when entitled to be discharged, serving beyond the seas, he shall, if he so requires, be sent to the United Kingdom, and in such case shall, with all convenient speed, be sent there free of expense, and on his arrival be discharged. If such soldier is permitted, at his request, to stay at the place where he is serving, he shall not afterwards have any claim to be sent at the public expense to the United Kingdom or elsewhere.

(3.) Every soldier of the regular forces upon the completion of the period of his army service, if shorter than the term of his original enlistment, shall be transferred to the reserve, but until so transferred shall be subject to this Act as a soldier of the regular forces.

(4.) Where a soldier of the regular forces, when entitled to be transferred to the reserve, is serving beyond the seas, he shall be sent to the United Kingdom free of expense with all convenient speed, and on his arrival shall be transferred to the reserve.

(5.) A soldier of the regular forces who is discharged on the completion of the term of his original enlistment or his re-engagement or is transferred to the reserve shall be entitled to be conveyed

free of cost from the place in the United Kingdom where he is discharged or transferred to the place in which he appears from his attestation paper to have been attested, or to any place at which he may at the time of his discharge or transfer decide to take up his residence, and to which he can be conveyed without greater cost.

*Discharge and Transfer to Reserve Force.*

**91.** (1.) A Secretary of State may, if he think proper, on account of a soldier's lunacy, cause any soldier of the regular forces on his discharge, and his wife and child, or any of them, to be sent to the parish or union to which under the statutes for the time being in force he appears, from the statements made in his attestation paper and other available information, to be chargeable; and such soldier, wife, or child, if delivered after reasonable notice, in England or Ireland at the workhouse in which persons settled in such parish or union are received, and in Scotland to the inspector of poor of such parish, shall be received by the master or other proper officer of such workhouse or such inspector of poor, as the case may be:

Delivery of lunatic soldier on discharge with his wife or child at workhouse, or of dangerous lunatic at asylum.

(2.) Provided that a Secretary of State, where it appears to him that any such soldier is a dangerous lunatic, and is in such a state of health as not to be liable to suffer bodily or mental injury by his removal, may, by order signified under his hand or under the hand of an under-secretary, send such lunatic direct to an asylum, registered hospital, licensed house, or other place in which pauper lunatics can legally be confined, and for the purpose of the said order the above-mentioned parish or union shall be deemed to be the parish or union from which such lunatic is sent.

(3.) In England the lunatic shall be sent to the asylum, hospital, house, or place to which a person in the workhouse aforesaid, on becoming a dangerous lunatic, can by law be removed, and an order of the Secretary of State under this section shall be of the same effect as an order by a justice within the meaning of section seventy-two of the Act of the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter ninety-seven, intituled "An Act to consolidate and amend the laws for "the provision and regulation of lunatic asylums for counties and "boroughs, and for the maintenance and care of pauper lunatics "in England," and shall be subject accordingly to the provisions of that section.

(4.) The Secretary of State, before making the said order in respect of a lunatic who is liable to be delivered to the inspector of poor of a parish in Scotland, may require the inspector of poor of that parish to specify the asylum to which such lunatic if in the parish would be sent, and it shall be the duty of such inspector forthwith to specify such asylum, and thereupon the Secretary of State may make the said order for sending the lunatic to that asylum, and such order shall be of the same effect as an order by the sheriff within the meaning of section eighty-five of the Act of the session of the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-one, intituled "An Act "for the regulation of, and care and treatment of lunatics, and for "the provision, maintenance, and regulation of lunatic asylums "in Scotland," and shall be subject accordingly to the provisions of that section.

*Discharge and Transfer to Reserve Force.*

(5.) In the case of any such lunatic, who is liable to be delivered at a workhouse in Ireland, at which persons settled in the said union are received, a Secretary of State may, by order under his hand, send such soldier to the asylum of the district in which such union is situate, and such order shall be of the same effect as a warrant under the hands and seals of two justices given under the provisions of the tenth section of the Act of the session of the thirtieth and thirty-first years of the reign of Her present Majesty, chapter one hundred and eighteen, intituled "An Act to provide "for the appointment of the officers and servants of district "lunatic asylums in Ireland, and to alter and amend the law relat- "ing to the custody of dangerous lunatics and dangerous idiots in "Ireland."

Regulations as to discharge of soldiers.

**92.** (1.) A soldier of the regular forces shall not be discharged from those forces, unless by sentence of court-martial with ignominy, or by order of the competent military authority, or by authority direct from Her Majesty, and until duly discharged in manner provided by this Act and by regulations of the Secretary of State under this Act shall be subject to this Act.

(2.) To every soldier of the regular forces who is discharged, for whatever reason he is discharged, there shall be given a certificate of discharge, stating his service, conduct, and character, and the cause of his discharge.

*Authorities to enlist and attest Recruits.*

*Authorities to enlist and attest Recruits*

Regulations as to persons to enlist and enlistment of soldiers.

**93.** A Secretary of State may from time to time make and when made revoke and alter a general or special order making such regulations, giving such directions, and issuing such forms as he may think necessary or expedient respecting the persons authorised to enlist recruits for Her Majesty's regular forces, and for the purpose of such enlistment, and generally for carrying this part of this Act into effect; and any such order shall be of the same effect as if enacted in this Act.

Justices of the peace for the purposes of enlistment

**94.** (1.) For the purposes of the attestation of soldiers in pursuance of this part of this Act—

Every person exercising the office of a magistrate in India or a colony, and also each of the following persons, shall have the authority of a justice of the peace, and be deemed to be included in the expression "justice of the peace" wherever used in this part of this Act in relation to the attestation of soldiers; that is to say,

In India, any person duly authorised in that behalf by the Governor General; and in the territories of any native state in India, the person performing the duties of the office of British resident or political agent therein, or any other person authorised in that behalf by the Governor General of India; and

In a colony, any person duly authorised in that behalf by the governor of the colony; and

Beyond the limits of the United Kingdom, India, and a colony, any British consul general, consul, or vice-consul, or person duly exercising the authority of a British consul.

(2.) An officer while subject to military law shall not act as a justice of the peace for the purpose of the attestation of soldiers, in pursuance of this part of this Act, except militia officers while not embodied. *Authorities to enlist and attest Recruits.*

*Special Provisions as to Persons to be enlisted.* *Special Provisions as to Persons to be enlisted.*

**95.** (1.) Any person who is for the time being an alien may, if Her Majesty think fit to signify her consent through a Secretary of State, be enlisted in Her Majesty's regular forces, so however that the number of aliens serving together at any one time in any corps of the regular forces shall not exceed the proportion of one alien to every fifty British subjects, and that an alien so enlisted shall not be capable of holding any higher rank in Her Majesty's regular forces than that of a warrant officer or non-commissioned officer: Enlistment of aliens, negroes, &c.

(2.) Provided that notwithstanding the above provisions of this section any negro or person of colour, although an alien, may voluntarily enlist in pursuance of this part of this Act, and when so enlisted shall while serving in Her Majesty's regular forces be deemed to be entitled to all the privileges of a natural-born British subject.

**96.** The master of an apprentice in the United Kingdom who has been attested as a soldier of the regular forces may claim him while under the age of twenty-one years as follows, and not otherwise: Claims of masters to apprentices.

(1.) The master, within one month after the apprentice left his service, must take before a justice of the peace the oath in that behalf specified in the First Schedule to this Act, and obtain from the justice a certificate of having taken such oath, which certificate the justice shall give in the form in the said schedule, or to the like effect:

(2.) A court of summary jurisdiction within whose jurisdiction the apprentice may be, if satisfied on complaint by the master that he is entitled to have the apprentice delivered up to him, may order the officer under whose command the apprentice is to deliver him to the master, but if satisfied that the apprentice stated on his attestation that he was not an apprentice may, and if required by or on behalf of the said commanding officer shall, try the apprentice for the offence of making such false statement, and if need be may adjourn the case for the purpose:

(3.) Except in pursuance of an order of a court of summary jurisdiction, an apprentice shall not be taken from Her Majesty's service:

(4.) An apprentice shall not be claimed in pursuance of this section unless he was bound for at least four years by a regular indenture, and was under the age of sixteen years when so bound:

(5.) A master who gives up the indenture of his apprentice within one month after the attestation of such apprentice shall be entitled to receive to his own use so much of the bounty (if any) payable to such apprentice on enlistment as has not been

paid to the apprentice before notice was given of his being an apprentice.

*Special Provisions as to Persons to be enlisted.*

Application of apprentice provisions to indentured labourers.

**97.** The provisions of this part of this Act with respect to apprentices shall apply to a person who at the time of his attestation is an indentured labourer in a colony, with these qualifications, that such indentured labourer, if imported at the expense of the employer or of the colony in consideration of the indenture under which he is serving, may be claimed although above the age of twenty-one years, and though bound for a less period or at an older age than is above specified.

*Offences as to Enlistment.*

Penalty on unlawful recruiting.

**98.** If a person without due authority—

(1.) Publishes or causes to be published notices or advertisements for the purpose of procuring recruits for Her Majesty's regular forces, or in relation to recruits for such forces; or

(2.) Opens or keeps any house, place of rendezvous, or office as connected with the recruiting of such forces; or

(3.) Receives any person under any such advertisement as aforesaid; or

(4.) Directly or indirectly interferes with the recruiting service of such forces,

he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Recruits punishable for false answers.

**99.** (1.) If a person knowingly makes a false answer to any question contained in the attestation paper, which has been put to him by or by direction of the justice before whom he appears for the purpose of being attested, he shall be liable on summary conviction to be imprisoned with or without hard labour for any period not exceeding three months.

(2.) If a person guilty of an offence under this section has been attested as a soldier of the regular forces, he shall be liable, at the discretion of the competent military authority, to be proceeded against before a court of summary jurisdiction, or to be tried by court-martial for the offence.

*Miscellaneous as to Enlistment.*

Validity of attestation and enlistment or re-engagement.

**100.** (1.) Where a person after his attestation on his enlistment, or the making of his declaration on re-engagement, has received pay as a soldier of the regular forces during three months, he shall be deemed to have been duly attested and enlisted or duly re-engaged, as the case may be, and shall not be entitled to claim his discharge on the ground of any error or illegality in his enlistment, attestation, or re-engagement, or on any other ground whatsoever, save as authorised by this Act, and, if within the said three months such person claims his discharge, any such error or illegality or other ground shall not until such person is discharged in pursuance of his claim affect his position as a soldier in Her Majesty's service, or invalidate any proceedings, act, or thing taken or done prior to such discharge.

(2.) Where a person is in pay as a soldier in any corps of Her Majesty's regular forces, such person shall be deemed for all the

purposes of this Act to be a soldier of the regular forces, with this qualification, that he may at any time claim his discharge, but until he so claims and is discharged in pursuance of that claim he shall be subject to this Act as a soldier of the regular forces legally enlisted and duly attested under this Act. *Miscellaneous as to Enlistment.*

(3.) Where a person claims his discharge on the ground that he has not been attested or re-engaged, or not duly attested or re-engaged, his commanding officer shall forthwith forward such claim to the competent military authority, who shall as soon as practicable submit it to a Secretary of State, and if the claim appears well grounded the claimant shall be discharged with all convenient speed.

**101.** (1.) Any act or thing authorised or required by this part of this Act to be done by, to, or before the competent military authority may be done by, to, or before the commander-in-chief or the adjutant-general, or any officer prescribed in that behalf. *Definition for purposes of Part Two of competent military authority and reserve.*

(2.) For the purposes of this part of this Act the expression "reserve" means the first class of the army reserve force.

## PART III.

## BILLETING AND IMPRESSMENT OF CARRIAGES.

*Billeting of Officers and Soldiers.*

*Billeting of Officers and Soldiers.*

**102.** During the continuance in force of this Act, so much of any law as prohibits, restricts, or regulates the quartering or billeting of officers and soldiers on any inhabitant of this realm without his consent is hereby suspended, so far as such quartering or billeting is authorised by this Act. *Suspension of 3 Chas. 1. c. 1.; 31 Chas. 2. c. 1.; 6 Anne (I.), c. 14, as to billeting.*

**103.** (1.) Every constable for the time being in charge at any place in the United Kingdom mentioned in the route issued to the commanding officer of any portion of Her Majesty's regular forces shall, on the demand of such commanding officer, or of an officer or soldier authorised by him, and on production of such route, billet on the occupiers of victualling houses and other premises specified in this Act as victualling houses in that place such number of officers, soldiers, and horses entitled under this Act to be billeted as are mentioned in the route and stated to require quarters. *Obligation of constable to provide billets for officers, soldiers, and horses.*

(2.) A route for the purposes of this part of this Act shall be issued under the authority of Her Majesty, signified through a Secretary of State, and shall state the forces to be moved in pursuance of the route, and that statement shall be signed by such officer as the commander-in-chief may from time to time order in that behalf.

(3.) A route purporting to be issued and signed as required by this section shall be evidence until the contrary is proved of its having been duly issued and signed in pursuance of this Act, and if delivered to an officer or soldier by his commanding officer shall be a sufficient authority to such officer or soldier to demand billets, and when produced by an officer or soldier to a constable shall be conclusive evidence to such constable of the authority of the officer or soldier producing the same to demand billets in accordance with such route.

*Billeting of Officers and Soldiers.*

Liability to provide billets

**104.** (1.) The provisions of this part of this Act with respect to victualling houses shall extend to all inns, hotels, livery stables, or alehouses, also to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses or places thereunto belonging, and to all houses of persons selling brandy, spirits, strong waters, cider, or metheglin by retail, and the occupier of a victualling house, inn, hotel, livery stable, alehouse, or any such house as aforesaid shall be subject to billets under this Act, and is in this Act included under the expression "keeper of a victualling house," and the inn, hotel, house, stables, and premises of such occupier are in this Act included under the expression "victualling house"

(2.) Provided that an officer or soldier shall not be billeted —

(*a.*) In any private house; nor

(*b.*) In any canteen held or occupied under the authority of a Secretary of State; nor

(*c.*) On persons who keep taverns only, being vintners of the City of London admitted to their freedom of the said company in right of patrimony or apprenticeship, notwithstanding the persons who keep such taverns have taken out licenses for the sale of any intoxicating liquor; nor

(*d.*) In the house of any distiller kept for distilling brandy and strong waters, so as such distiller does not permit tippling in such house; nor

(*e.*) In the house of any shopkeeper whose principal dealing is more in other goods and merchandise than in brandy and strong waters, so as such shopkeeper does not permit tippling in such house; nor

(*f.*) In a house of a person licensed only to sell beer or cider not to be consumed on the premises; nor

(*g.*) In the house of residence of any foreign consul duly accredited as such.

Officers, soldiers, and horses entitled to be billeted.

**105.** (1.) All officers and soldiers of Her Majesty's regular forces; and

(2.) All horses belonging to Her Majesty's regular forces; and

(3.) All horses belonging to the officers of such forces for which forage is for the time being allowed by Her Majesty's regulations,

shall be entitled to be billeted.

Accommodation and payment on billet.

**106.** (1.) The keeper of a victualling house upon whom any officer, soldier, or horse is billeted shall receive such officer, soldier, or horse in his victualling house, and furnish there the accommodation following; that is to say, lodging and attendance for the officer; and lodging, attendance, and food for the soldier; and stable room and forage for the horse, in accordance with the provisions of the Second Schedule to this Act.

(2.) Where the keeper of a victualling house on whom any officer, soldier, or horse is billeted desires, by reason of his want of accommodation or of his victualling house being full or otherwise, to be relieved from the liability to receive such officer, soldier, or horse in his victualling house, and provides for such officer, soldier, or horse in the immediate neighbourhood such good and sufficient accommodation as he is required by this Act to provide, and as is

*Billeting of Officers and Soldiers.*

approved by the constable issuing the billets, he shall be relieved from providing the same in his victualling house.

(3.) There shall be paid to the keeper of a victualling house for the accommodation furnished by him in pursuance of this Act the prices for the time being authorised in this behalf by Parliament.

(4.) An officer or soldier demanding billets in pursuance of this Act shall, before he departs, and if he remains longer than four days, at least once in every four days, pay the just demands of every keeper of a victualling house on whom he and any officers and soldiers under his command, and his or their horses (if any) have been billeted.

(5.) If by reason of a sudden order to march, or otherwise, an officer or soldier is not able to make such payment to any keeper of a victualling house as is above required, he shall before he departs make up with such keeper of a victualling house an account of the amount due to him, and sign the same, and forthwith transmit the account so signed to a Secretary of State, who shall forthwith cause the amount named in such account as due to be paid.

Annual list of keepers of victualling houses liable to billets.

**107.** (1.) The police authority for any place may cause annually a list to be made out of all keepers of victualling houses within the meaning of this Act in such place, or any particular part thereof, liable to billets under this Act, specifying the situation and character of each victualling house, and the number of soldiers and horses who may be billeted on the keeper thereof.

(2.) The police authority shall cause such list to be kept at some convenient place open for inspection at all reasonable times by persons interested, and any person who feels aggrieved either by being entered in such list, or by being entered to receive an undue proportion of officers, soldiers, or horses, may complain to a court of summary jurisdiction, and the court, after such notice as the court think necessary to persons interested, may order the list to be amended in such manner as the court may think just.

Regulations as to grant of billets.

**108.** The following regulations shall be observed with respect to billeting in pursuance of this Act; that is to say,

(1.) No more billets shall at any time be ordered than there are effective officers, soldiers, and horses present to be billeted:

(2.) All billets, when made out by the constable, shall be delivered into the hands of the commanding officer or non-commissioned officer who demanded the billets, or of some officer authorised by such commanding officer:

(3.) If a keeper of a victualling house feels aggrieved by having an undue proportion of officers, soldiers, or horses billeted on him, he may apply to a justice of the peace, or if the billets have been made out by a justice may complain to a court of summary jurisdiction, and the justice or court may order such of the officers, soldiers, or horses to be removed and to be billeted elsewhere as may seem just:

(4.) A constable having authority in a place mentioned in the route may act for the purposes of billeting in any locality within one mile from such place, unless some constable ordinarily having authority in such locality is present and undertakes to billet therein the due proportion of officers, soldiers, and horses.

*Billeting of Officers and Soldiers.*

(5.) The regulations with respect to billets contained in the Second Schedule to this Act shall be duly observed by the constable:

(6.) A justice of the peace, on the request of an officer or non-commissioned officer authorised to demand billets, may vary a route by adding any place or omitting any place, and also may direct billets to be given above one mile from a place mentioned in the route:

(7.) A justice of the peace may require a constable to give an account in writing of the number of officers, soldiers and horses billeted by such constable, together with the names of the keepers of victualling houses on whom such officers, soldiers, and horses are billeted, and the locality of such victualling houses.

*Offences in relation to Billeting.*

*Offences in relation to Billeting.*

Offences by constables.

**109.** If a constable commits any of the offences following; that is to say,

(1.) Billets any officer, soldier, or horse, or any person not liable to billets without the consent of such person; or

(2.) Receives, demands, or agrees for any money or reward whatsoever to excuse or relieve a person from being entered in a list as liable or from his liability to billets, or from any part of such liability; or

(3.) Billets or quarters on any person or premises, without the consent of such person or the occupier of such premises, any person or horse not entitled to be billeted; or

(4.) Neglects or refuses after sufficient notice is given to give billets demanded for any officer, soldier, or horse entitled to be billeted;

he shall, on summary conviction, be liable to a fine of not less than forty shillings and not exceeding ten pounds

Offences by keepers of victualling houses

**110.** If a keeper of a victualling house commits any of the offences following; that is to say,

(1.) Refuses or neglects to receive any officer, soldier, or horse billeted upon him in pursuance of this Act, or to furnish such accommodation as is required by this Act; or

(2.) Gives or agrees to give any money or reward to a constable to excuse or relieve him from being entered in a list as liable or from his liability to billets, or any part of such liability; or

(3.) Gives or agrees to give to any officer or soldier billeted upon him in pursuance of this Act any money or reward in lieu of receiving an officer, soldier, or horse, or furnishing the said accommodation;

he shall, on summary conviction, be liable to a fine of not less than forty shillings and not exceeding five pounds.

Offences by officers or soldiers

**111.** (1.) If any officer quarters or causes to be billeted any officer, soldier, or horse otherwise than is allowed by this Act upon any person he shall be guilty of a misdemeanor.

(2.) If any officer or soldier commits any offence in relation to billeting for which he is liable to be punished under Part One of this Act, other than an offence in respect of which any other remedy is given by this part of this Act to the person aggrieved, he shall,

upon summary conviction, be liable to a fine not exceeding fifty pounds. *Offences in relation to Billeting.*

(3.) A certificate of a conviction for an offence under this section shall be transmitted by the court making such conviction to a Secretary of State.

*Impressment of Carriages.*

*Impressment of Carriages.*

**112.** (1.) Every justice of the peace in the United Kingdom having jurisdiction in any place mentioned in a route issued to the commanding officer of any portion of Her Majesty's regular forces shall, on the demand of such commanding officer, or of an officer or non-commissioned officer authorised by him, and on production of such route, issue his warrant requiring some constable or constables having authority in such place to provide, within a reasonable time to be named in the warrant, such carriages, animals, and drivers as are stated to be required for the purpose of moving the regimental baggage and regimental stores of the forces mentioned in the route in accordance with the route; and the constable or constables shall execute such warrant, and persons having carriages and animals suitable for the said purpose shall, when ordered by a constable in pursuance of such warrant, furnish the same in a state fit for use for the aforesaid purpose. Supply of carriages, &c. for regimental baggage and stores on the march.

(2.) The route for the purpose of this section shall be such route as is mentioned in the foregoing provisions of this part of this Act with respect to billeting.

(3.) A route purporting to be issued and signed as required by those provisions, if delivered to an officer or non-commissioned officer by his commanding officer, shall be a sufficient authority to such officer or non-commissioned officer to demand carriages and animals in pursuance of this Act, and when produced by an officer or non-commissioned officer shall be conclusive evidence to a justice and constable of the authority of the officer or non-commissioned officer producing the same to demand carriages and animals in accordance with such route.

(4.) The warrant ordering carriages, animals, and drivers to be provided shall specify the number and description of the carriages, and also the places from and to which the same are to travel, and the distances between such places.

(5.) When sufficient carriages or animals cannot be procured within the jurisdiction of the said justice, any justice having jurisdiction in the next adjoining place shall, by a like course of proceeding, supply the deficiency.

(6.) A fee of one shilling and no more shall be paid for the warrant by the officer or non-commissioned officer applying for the same and shall be paid to the clerk of the justice.

**113.** (1.) There shall be paid in respect of the carriages and animals furnished in pursuance of this part of this Act the rates specified in the Third Schedule to this Act, and the regulations contained in that schedule with respect to the carriages and animals furnished shall be duly observed. Payment for and regulations as to carriages, animals, &c.

(2.) The following authorities; that is to say,

*Impressment of Carriages.* 5 & 6 W. 4. c 76.

(*a.*) In England the court of general or quarter sessions of a county or of a borough subject to the Municipal Corporations Act, 1835; and

(*b.*) In Scotland, the commissioners of supply of a county, or the magistrates of a Royal or Parliamentary burgh; and

(*c.*) In Ireland the grand jury for a county, a county of a city, a county of a town and city, or a city or town and county, also any council of any such county, town or city having by law the fiscal powers of a grand jury,

may from time to time, as respects places within their jurisdiction, by order increase the rates authorised in the said schedule by such amount in respect of each rate, not exceeding one third, as may seem reasonable, and the amount of such increase shall be notified in writing by the justice granting a warrant in pursuance of this Act to the person demanding the warrant.

(3.) The order shall specify the average price of hay and oats at the nearest market town at the time of fixing such increased rates, and the order shall not be in force for more than ten days beyond the next meeting of such authority, but may be renewed from time to time by a fresh order or orders, and while in force shall have effect as part of the said schedule.

(4.) A copy of every such order, duly authenticated, shall be transmitted to a Secretary of State within three days after the making thereof.

(5.) The officer or non-commissioned officer who demands carriages or animals in pursuance of this part of this Act shall pay the sums due in respect of the same to the owners or drivers of the carriages or animals, and one third part of such payment shall in each case, if required, be made before the carriage is loaded; and such payments shall be made, if required, in the presence of a justice or constable

(6.) If an officer or non-commissioned officer is from any cause unable to pay the amount due to the owner or driver of any carriage or animal, he shall make up with such owner or driver and sign an account of the amount due to him, and forthwith transmit the account so signed to a Secretary of State, who shall forthwith cause the amount named therein to be paid to such owner or driver.

Annual list of persons liable to supply carriages.

**114.** (1.) The police authority for any place may cause annually a list to be made out of all persons in such place, or any particular part thereof, liable to furnish carriages and animals under this Act, and of the number and description of the carriages and animals of such persons; and where a list is so made, any justice may by warrant require any constable or constables having authority within such place to give from time to time, on demand by an officer or non-commissioned officer under this Act, orders to furnish carriages and animals, and such warrant shall be executed as if it were a special warrant issued in pursuance of this Act on such demand, and the orders shall specify the like particulars as such special warrant.

(2) The police authority shall cause such list to be kept at some convenient place open for inspection at all reasonable times by persons interested, and any person who feels aggrieved either by

being entered in such list, or by being entered to furnish any number or description of carriages or animals which he is not liable to furnish, may complain to a court of summary jurisdiction, and the court, after such notice as the court think necessary to persons interested, may order the list to be amended in such manner as the court may think just. *Impressment of Carriages.*

(3.) All orders given by constables for furnishing carriages and animals shall, as far as possible, be made from such list in regular rotation.

**115.** (1.) Her Majesty by order, distinctly stating that a case of emergency exists, and signified by a Secretary of State, and also in Ireland the Lord Lieutenant by a like order, signified by the Chief Secretary or Under Secretary, may authorise any general or field officer commanding Her Majesty's regular forces in any military district or place in the United Kingdom to issue a requisition under this section (herein-after referred to as a requisition of emergency). *Supply of carriages and vessels in case of emergency.*

(2.) The officer so authorised may issue a requisition of emergency under his hand, reciting the said order, and requiring justices of the peace to issue their warrants for the provision, for the purpose mentioned in the requisition, of such carriages and animals as may be provided under the foregoing provisions and also of carriages of every description, and of horses of every description, whether kept for saddle or draught, and also of vessels (whether boats, barges, or other) used for the transport of any commodities whatsoever upon any canal or navigable river.

(3.) A justice of the peace, on demand by an officer of the portion of Her Majesty's forces mentioned in a requisition of emergency, or by an officer of a Secretary of State authorised in this behalf, and on production of the requisition, shall issue his warrant for the provision of such carriages, animals, and vessels as are stated by the officer producing the requisition of emergency to be required for the purpose mentioned in the requisition; the warrant shall be executed in the like manner, and all the provisions of this Act as to the provision or furnishing of carriages and animals, including those respecting fines on officers, non-commissioned officers, justices, constables, or owners of carriages or animals, shall apply in like manner as in the case where a justice issues, in pursuance of the foregoing provisions of this Act, a warrant for the provision of carriages and animals, and shall apply to vessels as if the expression carriages included vessels.

(4.) A Secretary of State shall cause due payment to be made for carriages, animals, and vessels furnished in pursuance of this section, and any difference respecting the amount of payment for any carriage, animal, or vessel shall be determined by a county court judge having jurisdiction in any place in which such carriage, animal, or vessel was furnished or through which it travelled in pursuance of the requisition.

(5.) Canal, river, or lock tolls are hereby declared not to be demandable for vessels while employed in any service in pursuance of this section or returning therefrom. And any toll collector who demands or receives toll in contravention of this exemption shall, on summary conviction, be liable to a fine not exceeding five pounds nor less than ten shillings.

*Impressment of Carriages.*

(6.) A requisition of emergency, purporting to be issued in pursuance of this section and to be signed by an officer therein stated to be authorised in accordance with this section, shall be evidence until the contrary is proved, of its being duly issued and signed in pursuance of this Act, and if delivered to an officer of Her Majesty's forces or of a Secretary of State shall be a sufficient authority to such officer to demand carriages, animals, and vessels in pursuance of this section, and when produced by such officer shall be conclusive evidence to a justice and constable of the authority of such officer to demand carriages, animals, and vessels in accordance with such requisition; and it shall be lawful to convey on such carriages, animals, and vessels, not only the baggage, provisions, and military stores of the troops mentioned in the requisition of emergency, but also the officer, soldiers, servants, women, children, and other persons of and belonging to the same.

*Offences in relation to the Impressment of Carriages.*

*Offences in relation to the Impressment of Carriages.*

Offences by constables.

**116.** Any constable who—

(1.) Neglects or refuses to execute any warrant of a justice requiring him to provide carriages, animals, or vessels; or

(2.) Receives, demands, or agrees for any money or reward whatsoever to excuse or relieve any person from being entered in a list as liable to furnish, or from being required to furnish, or from furnishing any carriage, animal, or vessel; or

(3.) Orders any carriage, animal, or vessel to be furnished for any person or purpose or on any occasion for and on which it is not required by this Act to be furnished,

shall, on summary conviction, be liable to a fine of not less than twenty shillings nor more than twenty pounds.

Offences by persons ordered to furnish carriages, animals, or vessels.

**117.** A person ordered by any constable in pursuance of this Act to furnish a carriage, animal, or vessel who—

(1.) Refuses or neglects to furnish the same according to the orders of such constable and this Act; or

(2.) Gives or agrees to give to a constable or to any officer or non-commissioned officer any money or reward whatsoever to be excused from being entered in a list as liable to furnish, or from being required to furnish, or from furnishing, or in lieu of furnishing, any carriage, animal, or vessel in pursuance of this Act; or

(3.) Does any act or thing by which the execution of any warrant or order for providing or furnishing carriages, animals, or vessels is hindered,

shall, on summary conviction, be liable to pay a fine of not less than forty shillings nor more than ten pounds.

Offences by officers or soldiers.

**118.** (1.) Any officer or soldier who commits any offence in relation to the impressment of carriages for which he is liable to be punished under Part One of this Act, other than an offence in respect of which any other remedy is given by this part of this Act to the person aggrieved, shall, on summary conviction, be liable to a fine not exceeding fifty pounds nor less than forty shillings.

(2.) A certificate of a conviction for an offence under this section shall be transmitted by the court making such conviction to a Secretary of State

*Supplemental Provisions as to Billeting and Impressment of Carriages.*

*Supplemental Provisions as to Billeting and Impressment of Carriages*

**119.** (1.) The following persons; that is to say,

(*a.*) If any officer or soldier fails to comply with the provisions of this part of this Act with respect to the payment of a sum due to a keeper of a victualling house or in respect of carriages or animals, or to the making up of an account of the sum due, the person to whom the sum is due; or

Application to court of summary jurisdiction respecting sums due to keepers of victualling houses or owners of carriages, &c.

(*b.*) If a keeper of a victualling house suffers any ill-treatment by violence, extortion, or making disturbance in billets from any officer or soldier billeted upon him, or if the owner or driver of any carriage, animal, or vessel furnished in pursuance of this part of this Act suffers any ill-treatment from any officer or soldier, the person suffering such ill-treatment, but, when there is an officer commanding such officer or soldier present at the place only after first making due complaint, if practicable to such commanding officer,

may apply to a court of summary jurisdiction, and such court, if satisfied on oath of such failure or such ill-treatment, and of the amount fairly due to the applicant, including the costs of his application to the court of summary jurisdiction, shall certify the same to a Secretary of State, who shall forthwith cause the amount due to be paid.

(2.) Provided that the Secretary of State, if it appear to him that the amount named in such certificate is not justly due, or is in excess of the amount justly due, may direct a complaint to be made to a court of summary jurisdiction for the county, borough, or place for which the court giving the certificate acted, and the court after hearing the case may by order confirm the said certificate, or vary it in such manner as to the court seems just.

Provisions as to constables, police authorities, and justices.

**120.** (1.) A constable shall observe the directions given to him for the due execution of this part of this Act by the police authority; and the police authority, or any member thereof, and every justice of the peace may, if it seem necessary, and in the absence of a constable shall, themselves or himself exercise the powers and perform the duties by this part of this Act vested in or imposed on a constable, and in such case every such person is in this part of this Act included in the expression "constable."

(2.) A person having or executing any military office or commission in any part of the United Kingdom shall not, directly or indirectly, be concerned, as a justice or constable, in the billeting of or appointing quarters for any officer or soldier or horse of the corps, or part of a corps, under his immediate command, and all warrants, acts, and things made, done, and appointed by such person for or concerning the same shall be void

Fraudulent claim for carriages, animals, &c.

**121.** If any person—

(1.) Forges or counterfeits any route or requisition of emergency, or knowingly produces to a justice or constable any route or requisition of emergency so forged or counterfeited; or

(2.) Personates or represents himself to be an officer or soldier authorised to demand any billet, or any carriage, animal, or vessel or to be entitled to be billeted, or to have his horse billeted, or

*Supplemental Provisions as to Billeting and Impressment of Carriages.*

(3.) Produces to a justice or constable a route or requisition which he is not authorised to produce, or a document falsely purporting to be a route or requisition,

he shall be liable, on summary conviction, to imprisonment for a period not exceeding three months, with or without hard labour, or to a fine not less than twenty shillings and not more than five pounds.

## PART IV.

## GENERAL PROVISIONS.

*Supplemental Provisions as to Courts-martial.*

*Supplemental Provisions as to Courts-martial.*

Royal warrant required for convening and confirming general courts-martial.

**122.** (1.) Her Majesty may, subject to the provisions of this Act, by any warrant or warrants under Her Sign Manual, in such form as Her Majesty may from time to time direct, from time to time—

(*a.*) Convene or authorise any qualified officer to convene a general court-martial for the trial under this Act of any person subject to military law; and

(*b.*) Give a general authority to any qualified officer to convene general courts-martial for the trial, under this Act, of such persons subject to military law as may for the time being be under or within the territorial limits of his command; and

(*c.*) Empower any qualified officer to delegate, to any officer under his command not below the degree of field officer, a general authority to convene general courts-martial for the trial, under this Act, of such persons subject to military law, as are for the time being under or within the territorial limits of his command; and

(*d.*) Reserve for confirmation by Her Majesty, or empower any qualified officer to confirm, the findings and sentences of general courts-martial; and

(*e.*) Empower any officer for the time being authorised to confirm the findings and sentences of general courts-martial to reserve for confirmation findings or sentences of general courts-martial, or to delegate a power of confirming such findings or sentences to any officer under his command not below the degree of field officer; and

(*f.*) Revoke any warrant for the time being in force, or any part of any warrant, leaving the remainder in full force:

Provided that where it appears to Her Majesty that in any place out of the United Kingdom, where no field officer is for the time being in command, hardship would be inflicted on persons accused of offences by reason of there being no means of speedily trying such persons for offences, a warrant under this section may empower an officer to delegate to an officer not below the degree of captain any authority and power authorised under this section to be delegated to a field officer.

(2.) The same officer may or may not be appointed convening and confirming officer.

(3.) The power of convening general courts-martial, and of confirming the findings and sentences of general courts-martial, or either of such powers, may be granted subject to such restrictions, reserva-

tions, exceptions, and conditions as to Her Majesty may seem meet, and when delegated by any officer empowered in that behalf may, subject to the provisions of any warrant granting him such power, be delegated subject to such restrictions, reservations, exceptions, and conditions as to such officer may seem fit. *Supplemental Provisions as to Courts-martial.*

(4.) Warrants under this section may be addressed to officers by name or by designation of their offices, or partly in one way and partly in the other, and any warrant may or may not, according to the terms of such warrant and the mode in which the same is addressed, be limited to an officer named, or be extended to a person for the time being performing the duties of the office named, or be extended to the successors in command of an officer.

(5.) Any warrant of Her Majesty issued in pursuance of this section shall be of the same force as if the provisions thereof were enacted by this Act.

(6.) "Qualified officer" for the purposes of this Act, in so far as it relates to convening or confirming the findings and sentences of general courts-martial, means the Commander-in-Chief and any officer not below the rank of a field officer commanding for the time being any body of the regular forces either within or without Her Majesty's dominions; it also includes the Lord Lieutenant of Ireland, the Governor-General of India, and a Governor of any colony on whom the command of any body of regular forces may be conferred by Her Majesty.

**123.** (1.) Any officer or person authorised to convene general courts-martial may— *Authority of officer empowered to convene general courts-martial required for convening and confirming district courts-martial.*

(*a.*) Convene a district court-martial for the trial under this Act of any person under his command who is subject to military law; and

(*b.*) Empower any person under his command not below the rank of captain to convene a district court-martial for the trial under this Act of any person under the command of such last-mentioned officer who is subject to military law; and

(*c.*) Confirm the finding and sentence of any district court-martial, or empower any officer whom he has power to authorise to convene district courts-martial to confirm the finding and sentence of any district court-martial.

(2.) The same officer may or may not be appointed convening and confirming officer under this section.

(3.) The power of convening, and of confirming the findings and sentences of, district courts-martial, or either of such powers, may be granted under this section, subject to such restrictions, reservations, exceptions, and conditions as to the officer granting such power may seem meet.

(4.) Any authority under this section for convening district courts-martial may be addressed to an officer by name or by designation of his office, or partly in one way and partly in the other, and may or may not, according to the terms thereof and the mode in which the same is addressed, be limited to an officer named, or be extended to a person holding for the time being or performing the duties of the office, or be extended to the successors in command of such officer.

*Supplemental Provisions as to Courts-martial.*

Right of person tried to copy of proceedings of court-martial.

**124.** Any person tried by a court-martial shall be entitled, on demand, at any time in the case of a general court-martial within seven years, and in the case of any other court-martial within three years after the confirmation of the finding and sentence of the court, to obtain from the officer or person having the custody of proceedings of such court a copy thereof, including the proceedings with respect to the revision and confirmation thereof, upon payment for the same at the prescribed rate, not exceeding twopence for every folio of seventy-two words, and for the purposes of this section the proceedings of courts-martial shall be preserved in the prescribed manner.

Summoning and privilege of witnesses at courts-martial.

**125.** (1.) Every person required to give evidence before a court-martial may be summoned or ordered to attend in the prescribed manner.

(2.) Every person attending in pursuance of such summons or order as a witness before any court-martial shall, during his necessary attendance in or on such court, and in going to and returning from the same, have the same privilege from arrest as he would have if he were a witness before a superior court of civil jurisdiction.

Misconduct of civilian at court martial.

**126.** (1.) Where any person who is not subject to military law commits any of the following offences; that is to say,

(*a*.) On being duly summoned as a witness before a court-martial, and after payment or tender of the reasonable expenses of his attendance, makes default in attending; or

(*b*.) Being in attendance as a witness—

(i.) Refuses to take an oath legally required by a court-martial to be taken; or

(ii.) Refuses to produce any document in his power or control legally required by a court-martial to be produced by him; or

(iii.) Refuses to answer any question to which a court-martial may legally require an answer,

the president of the court-martial may certify the offence of such person under his hand to any court of law in the part of Her Majesty's dominions where the offence is committed which has power to punish witnesses if guilty of like offences in that court, and that court may thereupon inquire into such alleged offence, and after examination of any witnesses that may be produced against or for the person so accused, and after hearing any statement that may be offered in defence, if it seem just, punish such witness in like manner as if he had committed such offence in a proceeding in that court.

(2.) Where a person not subject to military law when examined on oath or solemn declaration before a court-martial wilfully gives false evidence, he shall be liable on indictment or information to be convicted of and punished for the offence of perjury, or the offence by whatever name called in the part of Her Majesty's dominions in which the offence is tried which, if committed in England, would be perjury.

(3.) Where a person not subject to military law is guilty of any contempt towards a court-martial, by using insulting or threatening language, or by causing any interruption or disturbance in its proceedings, or by printing observations or using words calculated to influence the members of or witnesses before such court, or to

bring such court into disrepute, the president of the court-martial may certify the offence of such person, under his hand, to any court of law in the part of Her Majesty's dominions where the offence is committed which has power to commit for contempt, and that court may thereupon inquire into such alleged offence, and after hearing any witnesses that may be produced against or on behalf of the person so accused, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of such person in like manner as if he had been guilty of contempt of that court.

*Supplemental Provisions as to Courts-martial*

**127.** A court-martial under this Act shall not, as respects the conduct of its proceedings, or the reception or rejection of evidence, or as respects any other matter or thing whatsoever, be subject to the provisions of the Indian Evidence Act, 1872, or to any Act, law, or ordinance of any legislature whatsoever other than the Parliament of the United Kingdom.

Court-martial governed by English law only

**128.** The rules of evidence to be adopted in proceedings before courts-martial shall be the same as those which are followed in civil courts in England, and no person shall be required to answer any question or to produce any document which he could not be required to answer or produce in similar proceedings before a civil court.

Rules of evidence to be the same as in civil courts

**129.** Whereas it is expedient to make provision respecting the conduct of counsel when appearing on behalf of the prosecution or defence at general courts-martial in pursuance of rules under this Act, be it therefore enacted as follows:

Position of counsel at courts-martial.

(1.) Any conduct of a counsel which would be liable to censure, or a contempt of court, if it took place before Her Majesty's High Court of Justice in England, shall likewise be deemed liable to censure, or a contempt of court, in the case of a court-martial; and the rules laid down for the practice of courts-martial and the guidance of counsel shall be binding on counsel appearing before such courts-martial, and any wilful disobedience of such rules shall be professional misconduct, and, if persevered in, be deemed a contempt of court.

(2.) Where a counsel is guilty of conduct liable to censure, or a contempt of court, such offence shall be deemed to be an offence within the meaning of section one hundred and twenty-six of this Act, and the president of the court-martial may certify the same to a court of law accordingly; and the court of law to which the same is certified shall deal with such offence in the same manner as if it had been committed in a proceeding before that court.

(3.) A court-martial may, by order under the hand of the president, cause a counsel to be removed from the court who is guilty of such an offence as may, in the opinion of the court-martial, require his removal from court, but in every such case the president shall certify the offence committed to a court of law in manner provided by the above-mentioned section.

**130.** (1.) Where it appears on the trial by court-martial of a person charged with an offence that such person is by reason of insanity unfit to take his trial, the court shall find specially that fact, and such person shall be kept in custody in the prescribed

Provision in case of insane persons.

*Supplemental Provisions as to Courts-martial.*

manner until the directions of Her Majesty thereon are known, or until any earlier time at which such person is fit to take his trial.

(2.) Where on the trial by court-martial of a person charged with an offence it appears that such person committed the offence, but that he was insane at the time of the commission thereof, the court shall find specially the fact of his insanity, and such person shall be kept in custody in the prescribed manner until the directions of Her Majesty thereon are known.

(3.) In either of the above cases Her Majesty may give orders for the safe custody of such person during her pleasure, in such place and in such manner as Her Majesty thinks fit.

(4.) A finding under this section shall be subject to confirmation in like manner as any other finding.

(5.) If a person imprisoned by virtue of this Act becomes insane, then, without prejudice to any other provision for dealing with such insane prisoner, a Secretary of State in any case, and in the case of a prisoner confined in India the Governor-General of India, or the Governor of any presidency in which the person is confined, and in the case of a prisoner confined in a colony the Governor of that colony, may, upon a certificate of such insanity by two qualified medical practitioners, order the removal of such prisoner to an asylum or other proper place for the reception of insane persons in the United Kingdom, India, or the colony, according as the prisoner is confined in the United Kingdom, India, or the colony, there to remain for the unexpired term of his imprisonment, and, upon such person being certified in the like manner to be again of sound mind, may order his removal to any prison in which he might have been confined if he had not become insane, there to undergo the remainder of such punishment.

*General Provisions as to Prisons.*

*General Provisions as to Prisons.*

Arrangements with Indian and colonial governments as to prisons.

**131.** (1.) A Secretary of State may from time to time make arrangements with the Governor-General of India or the Governor of a colony for the reception in any prison in India or in such colony of prisoners under this Act, and of deserters or absentees without leave from Her Majesty's service, on payment of such sums as are provided by the arrangement, and the governor of any prison to which any such arrangement relates shall be under the same obligation as the governor of a prisoner in the United Kingdom to receive and detain such prisoners, deserters, and absentees without leave:

(2.) Provided that where a prisoner has been sentenced in India or in a colony to a term of imprisonment exceeding twelve months or to a term of penal servitude, he shall be transferred as soon as practicable to a prison or convict establishment within the United Kingdom, unless in the case of imprisonment the court shall for special reasons otherwise order, there to undergo his sentence; or unless he belongs to a class with respect to which a Secretary of State has declared that, by reason of the climate or place of his birth or the place of his enlistment, or otherwise, it is not beneficial to the prisoner to transfer him to the United Kingdom; every such declaration shall be laid before both Houses of Parliament.

*General Provisions as to Prisons.*

(3) Any order which can be made under this section by the court may be made by the confirming authority in confirming the finding and sentence, and in the case of any commutation or remission of sentence, may be made by the authority commuting or remitting the sentence.

Duty of governor of prison to receive prisoners, deserters, and absentees without leave.

**132.** (1.) The governor of every prison in the United Kingdom, and the governor of every prison in India or a colony who is under the same obligation as the governor of a prison in the United Kingdom, shall receive and confine, until discharged or delivered over in due course of law, all prisoners sent to such prison in pursuance of this Act, and every person delivered into his custody as a deserter or absentee without leave by any person conveying him under legal authority, on production of the warrant of a court of summary jurisdiction on which such deserter or absentee without leave has been taken or committed, or of some order from a Secretary of State, or from the Governor-General of India, or the governor of a colony, which order shall continue in force until the deserter or absentee without leave has arrived at his destination.

(2.) Every such governor shall also receive into his custody for a period not exceeding seven days, any soldier in military custody upon delivery to him of a written order purporting to be signed by the commanding officer of such soldier.

(3.) The provisions of this section with respect to the governor of a prison in the United Kingdom shall apply to a person having charge of any police station or other place in which prisoners may legally be confined

## *Military Prisons.*

*Military Prisons.*

Establishment and regulation of military prisons.

**133.** (1.) It shall be lawful for a Secretary of State, and in India for the Governor-General, to set apart any building or part of a building under the control of the Secretary of State or Governor-General as a military prison, or as a public prison for the imprisonment of military prisoners, and to declare that any such building or part of a building shall be a military prison, or a public prison, as the case may be, and every military prison so declared shall be deemed to be a public prison within the meaning of the provisions of this Act relating to imprisonment, and if such prison is in India shall be deemed to be an authorised prison.

(2.) It shall be lawful for a Secretary of State, and in India for the Governor-General, from time to time to make, alter, and repeal rules for the government, management and regulation of military prisons, and for the appointment and removal and powers of inspectors, visitors, governors, and officers thereof, and for the labour of military prisoners therein, and for the safe custody of such prisoners, and for the maintenance of discipline among them, and for the punishment by personal correction, not exceeding twenty-five lashes in the case of corporal punishment, restraint, or otherwise of offences committed by such prisoners, so, however, that such rules shall not authorise corporal punishment to be inflicted for any offence in addition to the offences for which such punishment can be inflicted in pursuance of the Prison Act, 1865, and the Prison Act, 1877, nor render the imprisonment more severe than it is

28 & 29 Vict. c. 126.
40 & 41 Vict. c. 21.

*Military Prisons.*

under the law in force for the time being in any public prison in England, subject to the Prison Act, 1877, and provided that all the regulations in the Prison Act, 1865, and in the Prison Act, 1877, as to the duties of gaolers, medical officers, and coroners shall be contained in such rules, so far as the same can be made applicable.

(3.) On all occasions of death by violence or attended with suspicious circumstances in any military prison in India an inquest is to be held, to make inquiry into the cause of death. The commanding officer shall cause notice to be given to the nearest magistrate, duly authorised to hold inquests, and such magistrate shall hold an inquest into the cause of any such death, in the manner and with the powers provided in the case of similar inquiries held under the law for the time being in force in India for regulating criminal procedure.

(4.) Where from any cause there is no competent civil authority available, the commanding officer shall convene a court of inquest. Such court shall be convened and shall hold the inquest in such manner as may be prescribed.

28 & 29 Vict. c. 126

(5.) Such rules may apply to such prisons any enactments of the Prison Act, 1865, imposing punishments on any persons not prisoners.

(6.) All rules made by a Secretary of State in pursuance of this section shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if not, as soon as practicable after the commencement of the then next session of Parliament.

Restrictions on confinement in prisons in India or colonies, not being military prisons.

**134.** (1.) No soldiers shall be confined, longer than is absolutely necessary, in prisons other than military prisons in India and the colonies where the rules for the government and management of such prisons differ from those made by the Governor-General of India and a Secretary of State in the case of India and the colonies respectively.

Classification of prisoners.

**135.** Whereas it is expedient that a clear difference should be made between the treatment of prisoners convicted of breaches of discipline and the treatment of prisoners convicted of offences of an immoral, dishonest, shameful, or criminal character, a Secretary of State shall from time to time make rules for the classification and treatment of such prisoners.

*Pay.*

## *Pay.*

Authorised deductions only to be made from pay.

**136.** The pay of an officer or soldier of Her Majesty's regular forces shall be paid without any deduction other than the deductions authorised by this or any other Act or by any royal warrant for the time being.

Penal stoppages from ordinary pay of officers.

**137.** The following penal deductions may be made from the ordinary pay due to an officer of the regular forces:

(1.) All ordinary pay due to an officer who absents himself without leave or overstays the period for which leave of absence has been granted him, unless a satisfactory explanation has been given through the commanding officer of such officer, and has been notified as satisfactory by the Commander-in-Chief to a Secretary of State:

(2) The sum required to make good such compensation for any expenses, loss, damage, or destruction occasioned by the commission of any offence as may be awarded by the court-martial by whom he is convicted of such offence: *Pay*

(3.) The sum required to make good the pay of any officer or soldier which he has unlawfully retained or unlawfully refused to pay.

**138.** The following penal deductions may be made from the ordinary pay due to a soldier of the regular forces. Penal stoppages from ordinary pay of soldiers

(1) All ordinary pay for every day of absence either on desertion or without leave, or as prisoner of war, and for every day of imprisonment either under sentence for an offence awarded by a civil court or court-martial, or by his commanding officer, or if he is on board one of Her Majesty's ships by the commanding officer of that ship, or under detention on the charge for an offence of which he is afterwards convicted by a civil court or court-martial, or under detention on the charge for absence without leave for which he is afterwards awarded imprisonment by his commanding officer,

(2.) All ordinary pay for every day on which he is in hospital on account of sickness certified by the proper medical officer attending on him at the hospital to have been caused by an offence under this Act committed by him,

(3.) The sum required to make good such compensation for any expenses, loss, damage, or destruction occasioned by the commission of any offence as may be awarded by the court-martial by whom he is convicted of such offence, or if he is on board of one of Her Majesty's ships by the commanding officer of that ship, or where he has confessed the offence and his trial is dispensed with by order under section seventy-one of this Act, as may be awarded by that order or by any other order of a competent military authority under that section,

(4) The sum required to make good such compensation for any expenses caused by him, or for any loss of or damage or destruction done by him to any arms, ammunition, equipment, clothing, instruments, or regimental necessaries or military decoration, or to any buildings or property, as may be awarded by his commanding officer, or, in case he requires to be tried by a court-martial, by that court-martial, or if he is on board one of Her Majesty's ships, by the commanding officer of that ship;

(5.) Where a soldier at the time of his enlistment belonged to any part of the auxiliary forces, the sum required to make good any compensation for which at the time of his enlistment he was under stoppage of pay as a member of the auxiliary forces, and any sum which he is liable to pay by reason of his quitting the said part of the auxiliary forces upon his enlistment;

(6) Where a soldier's liquor ration is stopped by his commanding officer on board any ship, whether commissioned by Her Majesty or not, the sum equivalent to such ration, whether previously drawn by the soldier or not, not exceeding one penny a day for twenty-eight days;

*Pay.*

(7.) The sum required to pay a fine awarded by a court-martial, his commanding officer, or a civil court; and

(8.) The sum required to pay any sum ordered by a Secretary of State to be paid as mentioned in this Act for the maintenance of his wife or child, or of any bastard child, or towards the cost of any relief given by way of loan to his wife or child:

Provided that—

(*a.*) the total amount of deductions from the ordinary pay due to a soldier in respect of the sums required to pay any compensation, fine, or sum awarded or ordered to be paid as aforesaid by a court-martial, commanding officer, or Secretary of State shall not exceed such sum as will leave to the soldier, after paying for his messing and washing, less than one penny a day; and

(*b.*) a person shall not be subjected in respect of any compensation, fine, or sum awarded or ordered to be paid as aforesaid to any deductions greater than is sufficient to make good the expenses, loss, damage, or destruction for which such compensation is awarded, or to pay the said sum.

How deduction of pay may be remitted.

**139.** Any deduction of pay authorised by this Act may be remitted in such manner and by such authority as may be from time to time provided by Royal Warrant, and subject to the provisions of any such warrant may be remitted by the Secretary of State.

Supplemental as to deductions from ordinary pay.

**140.** (1.) Any sum authorised by this Act to be deducted from the ordinary pay of an officer or soldier may, without prejudice to any other mode of recovering the same, be deducted from the ordinary pay or from any sums due to such officer or soldier, in such manner, and when deducted or recovered may be appropriated in such manner, as may be from time to time directed by any regulation or order of the Secretary of State.

(2.) And any such regulation or order may from time to time declare what shall be deemed for the purposes of the provisions of this Act relating to deductions from pay to constitute a day of absence or a day of imprisonment, so, however, that no time shall be so reckoned as a day unless the absence or imprisonment has lasted for six hours or upwards, whether wholly in one day or partly in one day and partly in another, or unless such absence prevented the absentee from fulfilling any military duty which was thereby thrown upon some other person.

(3.) In cases of doubt as to the proper issue of pay or the proper deduction from pay due to any officer or soldier, the pay may be withheld until Her Majesty's order respecting it has been signified through a Secretary of State, which order shall be final.

Prohibition of assignment of military pay, pensions, &c.

**141.** Every assignment of, and every charge on, and every agreement to assign or charge any deferred pay, or military reward payable to any officer or soldier of any of Her Majesty's forces, or any pension, allowance, or relief payable to any such officer or soldier, or his widow, child, or other relative, or to any person in respect of any military service, shall, except so far as the same is made in pursuance of a Royal Warrant for the benefit of the family of the person entitled thereto, or as may be authorised by any Act for the time being in force, be void.

*Pay.*

Punishment of false oath and personation.

**142.** (1.) Where any regulations made by the Secretary of State or the Commissioners of Her Majesty's Treasury, with respect to the payment of any military reward, pension, or allowance, or any sum payable in respect of military service, or with respect to the payment of money or delivery of property in the possession of the military authorities, provide for proving, whether on oath or by statutory declaration, the identity of the recipient or any other matter in connexion with such payment, such oath may be administered and declaration taken by the persons specified in the regulations, and any person who in such oath or declaration wilfully makes any false statement shall be liable to the punishment of perjury.

(2.) Any person who falsely represents himself to any military, naval, or civil authority to belong to or to be a particular man in the regular reserve or auxiliary forces shall be deemed to be guilty of personation.

37 & 38 Vict. c. 36.

(3.) Any person who is guilty of an offence under the False Personation Act, 1874, in relation to any military pay, reward, pension, or allowance, or to any sum payable in respect of military service, or to any money or property in the possession of the military authorities, or is guilty of personation under this section, shall be liable, on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding twenty-five pounds.

(4.) Provided that nothing in this section shall prevent any person from being proceeded against and punished under any other enactment or at common law in respect of any offence, so that he be not punished twice for the same offence.

*Exemptions of Officers and Soldiers.*

*Exemptions of Officers and Soldiers.*

Exemptions of officers and soldiers from tolls.

**143.** (1.) All officers and soldiers of Her Majesty's regular forces on duty or on the march; and

Their horses and baggage; and

All prisoners under military escort; and

All carriages and horses belonging to Her Majesty or employed in her military service, when conveying any such persons as above in this section mentioned, or baggage or stores, or returning from conveying the same

shall be exempted from payment of any duties or tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing-place, or in passing along or over any turnpike or other road or bridge, otherwise demandable by virtue of any Act of Parliament already passed or hereafter to be passed, or by virtue of any Act, Ordinance, order, or direction of the legislature or other authority in India or any colony:

Provided that nothing in this section shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels.

(2.) When any soldiers have occasion in their march by route to pass regular ferries in Scotland, the officer commanding may, at his option, pass over with his soldiers as passengers, and shall pay for himself and each soldier one half only of the ordinary rate payable

*Exemptions of Officers and Soldiers.*

by single persons, or may hire the ferry boat for himself and his party, debarring others for that time, and shall in all such cases pay only half the ordinary rate for such boat.

(3.) Any person who demands and receives any duty, toll, or rate in contravention of this section shall, on summary conviction, be liable to a fine not exceeding five pounds nor less than ten shillings.

Exemption of soldiers in respect of civil process.

**144.** (1.) A soldier of Her Majesty's regular forces shall not be liable to be taken out of Her Majesty's service by any process, execution, or order of any court of law or otherwise, or to be compelled to appear in person before any court of law, except in respect of the following matters, or one of them; that is to say,

(*a.*) On account of a charge of or conviction for crime; or

(*b.*) On account of any debt, damages, or sum of money, when the amount exceeds thirty pounds over and above all costs of suit.

(2.) For the purposes of this section a crime shall mean a felony, misdemeanor, or other crime or offence punishable, according to the law in force in that part of Her Majesty's dominions in which such soldier is, with fine or imprisonment or some greater punishment, and shall not include the offence of a person absenting himself from his service, or neglecting to fulfil his contract, or otherwise misconducting himself respecting his conduct.

(3.) For the purposes of this section a court of law shall be deemed to include a court of summary jurisdiction and any magistrate.

(4.) The amount of the debt, damages, or sum shall be proved for the purpose of any process issued before the court has adjudicated on the case by an affidavit of the person seeking to recover the same or of some one on his behalf, and such affidavit shall be sworn, without payment of any fee, in the manner in which affidavits are sworn in the court in which proceedings are taken for the recovery of the sum, and a memorandum of such affidavit shall, without fee, be endorsed upon any process or order issued against a soldier.

(5.) All proceedings and documents in or incidental to a process, execution, or order in contravention of this section shall be void; and where complaint is made by a soldier or his commanding officer that such soldier is dealt with in contravention of this section by any process, execution, or order issued out of any court, and is made to that court or to any court superior to it, the court or some judge thereof shall examine into the complaint, and shall, if necessary, discharge such soldier without fee, and may award reasonable costs to the complainant, which may be recovered as if costs had been awarded in his favour in any action or other proceeding in such court.

Provided that—

(1.) Any person having cause of action or suit against a soldier of the regular forces may, notwithstanding anything in this section, after due notice in writing given to the soldier, or left at his last quarters, proceed in such action or suit to judgment, and have execution other than against the person, pay, arms, ammunition, equipments, regimental necessaries, or clothing of such soldier; and

(2.) This section shall not prevent such proceeding with respect to apprentices and indentured labourers as is authorised by this Act. *Exemptions of Officers and Soldiers.*

**145.** (1.) A soldier of the regular forces shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a soldier; but execution in respect of any such liability or of any order or decree in respect of such maintenance shall not issue against his person, pay, arms, ammunition, equipments, instruments, regimental necessaries, or clothing; nor shall he be liable to be punished for the offence of deserting or neglecting to maintain his wife or family, or any member thereof, or of leaving her or them chargeable to any union, parish, or place. Liability of soldier to maintain wife and children.

(2.) When any order decree is made under any Act or at common law for payment by a soldier of the regular forces either of the cost of the maintenance of his wife or child, or of any bastard child of whom he is the putative father, or of the cost of any relief given to his wife or child by way of loan, a copy of such order or decree shall be sent to a Secretary of State, and in the case—

(*a.*) Of such order or decree being so sent; or

(*b.*) Of it appearing to the satisfaction of a Secretary of State that a soldier of the regular forces has deserted or left in destitute circumstances, without reasonable cause, his wife or any of his legitimate children under fourteen years of age,

the Secretary of State may order a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other soldier, to be deducted from such daily pay, and to be appropriated, in the first case, in liquidation of the sum adjudged to be paid by such order or decree, and in the second case, towards the maintenance of such wife or children, in such manner as the Secretary of State thinks fit.

(3.) Where a proceeding is instituted against a soldier of the regular forces under any Act, or at common law, for the purpose of enforcing against him any such liability as above in this section mentioned, and such soldier is quartered out of the jurisdiction of the court, or, if the proceeding is before a court of summary jurisdiction, out of the petty sessional division in which the proceeding is instituted, the process shall be served on the commanding officer of such soldier, and such service shall not be valid unless there be left therewith, in the hands of the commanding officer, a sum of money (to be adjudged as costs incurred in obtaining the order or decree, if made against the soldier) sufficient to enable him to attend the hearing of the case and return to his quarters, and such sum may be expended by the commanding officer for that purpose; and no process whatever under any Act or at common law in any proceeding in this section mentioned shall be valid against a soldier of the regular forces if served after such soldier is under orders for service beyond the seas.

**146.** A person who is commissioned and in full pay as an officer in Her Majesty's regular forces shall not be capable of being nominated or elected to be sheriff of any county, borough, or other Officers not to be sheriffs or mayors.

*Exemptions of Officers and Soldiers.*

place, or to be mayor or alderman of, or to hold any office in, any municipal corporation in any city, borough, or place in the United Kingdom.

Exemption from jury.

**147.** Every soldier in Her Majesty's regular forces shall be exempt from serving on any jury.

*Court of Requests in India.*

*Court of Requests in India*

Military court of requests in India

**148.** (1.) Where any part of Her Majesty's regular forces is serving in India beyond the jurisdiction of any court of small causes established by or under the authority of the Governor-General of India in Council, actions of debt and personal actions against officers and other persons subject to military law, with the exception of persons being soldiers of the regular forces, which would be cognizable by such court of small causes if the said part of Her Majesty's regular forces were within the jurisdiction of the court, shall be cognizable before a court of requests composed of officers, and not elsewhere; provided that—

(*a.*) The value in question does not exceed four hundred rupees; and

(*b.*) The defendant was a person of the above description when the cause of action arose, and

(*c.*) Nothing in this Act shall enable an action to be brought in a military court of requests by an officer or soldier of the regular forces against an officer of the regular forces.

(2.) The commanding officer of any camp, garrison, cantonment, or military post is hereby empowered to convene any such court

(3.) Whenever, owing to paucity of officers, or to any other cause, a court of requests cannot conveniently be held at the place where the defendant may be, the officer commanding the division or district may authorise a court to be convened by the officer commanding at the nearest place where such court can be formed.

Constitution and proceedings of military court of requests

**149.** (1.) Courts of request under this Act shall in all practicable cases consist of five officers, and in no instance of less than three

(2.) The president thereof shall in all practicable cases be a field officer, and in no case be under the rank of a captain.

(3.) Every member shall have served not less than five years as a commissioned officer.

(4.) Before any proceedings are had before such court the president and members shall take the following oath, which oath shall be administered by the president of the court to the other members thereof, and to the president by any sworn member; (that is to say).

'You swear, that you will duly administer 'justice according to the evidence in the matters brought before 'you, So help you GOD.'

(5.) All witnesses before any such court shall be sworn and examined in the like manner as in the case of a trial by court-martial, and shall be liable to the same punishment for giving false evidence.

(6.) The provisions of this Act with respect to the substitution of a solemn declaration for an oath in the case of a court-martial, shall apply as if they were enacted in this section and in terms made applicable thereto.

*Court of Requests in India.*

Execution of judgment of military court of requests.

**150.** (1.) A military court of requests held in India under the authority of this Act, on adjudging payment of any sum by any person subject to military law (in this section referred to as the debtor), may either award execution thereof generally, or direct specially that the amount named in the direction, being the whole or any part of the said sum, shall be paid by instalments or otherwise out of any pay or other public money payable to the debtor, and the amount named in the direction, not exceeding one half of such pay and public money, shall, while the debtor is in India, be stopped and paid in conformity with the direction.

(2.) Where execution is awarded generally by a military court of requests, the sum, if not paid forthwith, shall be levied by seizure and public sale of such of the property of the debtor as may be found within the camp, garrison, cantonment, or military post to which the debtor belongs, and, if the proceeds are insufficient to pay the said sum, as may be found within the limits of a camp, garrison, cantonment, or military post in India to which the debtor may belong at any subsequent time.

(3.) The levy and seizure shall be made under a written order of the commanding officer of such camp, garrison, cantonment, or military post, grounded on the judgment of the court.

(4.) The arms and equipment of a debtor shall not be liable to be seized or sold under this section.

(5.) All orders of the commanding officer as to the manner of such sale, or the person by whom the same shall be made, or otherwise respecting the same, shall be duly observed; and if any question arises whether any such property is liable to be seized or sold as aforesaid, the decision of the said commanding officer thereon shall be final.

(6.) If sufficient property is not found within the limits of the camp, garrison, cantonment, or military post, then any pay or public money (not exceeding one half) accruing to the debtor shall, while the debtor is in India, be stopped, in liquidation of the said sum.

(7.) If the debtor does not receive pay as an officer or from any public department, he may be arrested by order of the commanding officer of the camp, garrison, cantonment, or military post, and imprisoned in some convenient place within the camp, garrison, cantonment, or military post, for any period not exceeding two months, unless the said sum be sooner paid.

(8.) The commanding officer shall not, nor shall any person acting on his orders in respect of the matters aforesaid, incur any liability to any person whomsoever for any act done by him in execution or intended execution of the provisions of this section.

Courts of small causes and civil courts in India.

**151.** (1.) In India all actions of debt and personal actions against persons subject to military law, other than soldiers of the regular forces, within the jurisdiction of any court of small causes, shall be cognisable by such court to the extent of its powers.

(2.) All such actions where the amount sued for exceeds four hundred rupees shall be cognisable by a civil court or court of small causes only.

(3.) A civil court or court of small causes, upon adjudging payment of any sum by any person subject to military law other than a soldier of the regular forces, may either award execution thereof

*Court of Requests in India.*

generally, or may direct specially that the amount named in the direction, being the whole or any part of the said sum, shall be paid by instalments or otherwise out of any pay or other public money payable to the debtor, and the amount named in the direction, not exceeding one half of such pay and public money, shall, while the debtor is in India, be stopped and paid in conformity with the direction.

(4.) In regard to award of execution generally, a civil court or court of small causes shall proceed in accordance with the rules of procedure of such court in India.

*Legal Penalties in Matters respecting Forces.*

*Legal Penalties in Matters respecting Forces.*

Punishment for pretending to be a deserter.

**152.** Any person who falsely represents himself to any military, naval, or civil authority to be a deserter from Her Majesty's regular forces shall on summary conviction be sentenced to be imprisoned, with or without hard labour, for any period not exceeding three months.

Punishment for inducing soldiers to desert.

**153.** Any person who in the United Kingdom or elsewhere by any means whatsoever—

(1.) Procures or persuades any soldier to desert, or attempts to procure or persuade any soldier to desert; or

(2.) Knowing that a soldier is about to desert, aids or assists him in deserting; or

(3.) Knowing any soldier to be a deserter, conceals such soldier, or aids or assists him in concealing himself, or aids or assists in his rescue,

shall be liable on summary conviction to be imprisoned, with or without hard labour, for a term not exceeding six months.

Apprehension of deserters.

**154.** With respect to deserters the following provisions shall have effect:

(1.) Upon reasonable suspicion that a person is a deserter, it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or soldier or other person, to apprehend such suspected person, and forthwith to bring him before a court of summary jurisdiction:

(2.) Where a person is brought before a court of summary jurisdiction charged with being a deserter under this Act, such court may deal with the case in like manner as if such person were brought before the court charged with an indictable offence, or in Scotland an offence:

(3.) The court, if satisfied either by evidence on oath or by the confession of such person that he is a deserter, shall forthwith, as it may seem to the court most expedient with regard to his safe custody, cause him either to be delivered into military custody in such manner as the court may deem most expedient, or, until he can be so delivered, to be committed to some prison, police station, or other place legally provided for the confinement of persons in custody, for such reasonable time as appears to the court reasonably necessary for the purpose of delivering him into military custody:

(4.) Where the person confessed himself to be a deserter, and evidence of the truth or falsehood of such confession is not

*Legal Penalties in Matters respecting Forces.*

then forthcoming, the court shall remand such person for the purpose of obtaining information as to the truth or falsehood of the said confession, and for that purpose the court shall transmit, if sitting in the United Kingdom to a Secretary of State, and if in India to the general or other officer commanding the forces in the military district or station where the court sits, and if in a colony to the general or other officer commanding the forces in that colony, a return (in this Act referred to as a descriptive return) containing such particulars and being in such form as is specified in the Fourth Schedule to this Act, or as may be from time to time directed by a Secretary of State:

(5.) The court may from time to time remand the said person for a period not exceeding eight days in each instance and not exceeding in the whole such period as appears to the court reasonably necessary for the purpose of obtaining the said information:

(6.) Where the court cause a person either to be delivered into military custody or to be committed as a deserter, the court shall send, if in the United Kingdom to a Secretary of State, and if in India or a colony to the general or other officer commanding as aforesaid, a descriptive return in relation to such deserter, for which the clerk of the court shall be entitled to a fee of two shillings:

(7.) A Secretary of State shall direct payment of the said fee.

Penalty on trafficking in commissions. 34 & 35 Vict. c. 86.

**155.** Every person (except the Army Purchase Commissioners, and persons acting under their authority by virtue of the Regulation of the Forces Act, 1871,) who negotiates, acts as agent for, or otherwise aids or connives at—

(1.) The sale or purchase of any commission in Her Majesty's regular forces; or

(2.) The giving or receiving of any valuable consideration in respect of any promotion in or retirement from such forces, or any employment therein; or

(3.) Any exchange which is made in manner not authorised by regulations made in pursuance of the Regimental Exchanges Act, 1875, and in respect of which any sum of money or other consideration is given or received,

38 & 39 Vict. c. 16.

shall be liable on conviction on indictment or information to a fine of one hundred pounds, or to imprisonment for any period not exceeding six months, and if an officer, on conviction by court-martial, to be dismissed the service.

Penalty on purchasing from soldiers regimental necessaries, equipments, stores, &c.

**156.** (1.) Every person who—

(*a.*) Buys, exchanges, takes in pawn, detains, or receives from a soldier, or any person acting on his behalf, on any pretence whatsoever; or

(*b.*) Solicits or entices any soldier to sell, exchange, pawn, or give away; or

(*c.*) Assists or acts for a soldier in selling, exchanging, pawning, or making away with,

any of the property following; namely, any arms, ammunition, equipments, instruments, regimental necessaries, or clothing, or any military decorations of an officer or soldier, or any furniture

*Legal Penalties in Matters respecting Forces.*

bedding, blankets, sheets, utensils, and stores in regimental charge, or any provisions or forage issued for the use of an officer or soldier, or his horse, or of any horse employed in Her Majesty's service, shall, unless he proves either that he acted in ignorance of the same being such property as aforesaid, or of the person with whom he dealt being or acting for a soldier, or that the same was sold by order of a Secretary of State or some competent military authority, be liable on summary conviction, in the case of the first offence, to a fine not exceeding twenty pounds, together with treble the value of any property of which such offender has become possessed by means of his offence; and in the case of a second offence, to a fine not less than five pounds, and not exceeding twenty pounds, together with treble the value of any property of which such offender has become possessed by means of his offence, or to imprisonment, with or without hard labour, for a term not exceeding six months.

(2.) Where any such property as above in this section mentioned is found in the possession or keeping of any person, such person may be taken or summoned before a court of summary jurisdiction, and if such court have reasonable ground to believe that the property so found was stolen, or was bought, exchanged, taken in pawn, obtained or received in contravention of this section, then if such person does not satisfy the court that he came by the property so found lawfully and without any contravention of this Act, he shall be liable on summary conviction to a penalty not exceeding five pounds.

(3.) A person charged with an offence against this section, and the wife or husband of such person, may, if he or she think fit, be sworn and examined as an ordinary witness in the case.

(4.) A person found committing an offence against this section may be apprehended without warrant, and taken, together with the property which is the subject of the offence, before a court of summary jurisdiction; and any person to whom any such property as above mentioned is offered to be sold, pawned, or delivered, who has reasonable cause to suppose that the same is offered in contravention of this section, may, and if he has the power shall, apprehend the person offering such property, and forthwith take him, together with such property, before a court of summary jurisdiction.

(5.) A court of summary jurisdiction, if satisfied on oath that there is reasonable cause to suspect that any person has in his possession, or on his premises, any property on or with respect to which any offence in this section mentioned has been committed, may grant a warrant to search for such property, as in the case of stolen goods; and any property found on such search shall be seized by the officer charged with the execution of such warrant, who shall bring the person in whose possession the same is found before some court of summary jurisdiction, to be dealt with according to law.

(6.) For the purposes of this section property shall be deemed to be in the possession or keeping of a person if he knowingly has it in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed,

whether occupied by himself or not, and whether the same is so had for his own use or benefit, or for the use or benefit of another. *Legal Penalties in Matters respecting Forces*

(7.) Articles which are public stores within the meaning of the Public Stores Act, 1875, and are not included in the foregoing description, shall not be deemed to be stores issued as regimental necessaries or otherwise within the meaning of section thirteen of that Act. 38 & 39 Vict. c. 25.

(8.) It shall be lawful for the Governor-General of India or for the legislature of any colony, on the recommendation of the governor thereof, but not otherwise, by any law or ordinance to reduce a minimum fine under this section to such amount as may to such Governor-General or legislature appear to be better adapted to the pecuniary means of the inhabitants.

## *Jurisdiction.*

*Jurisdiction.*

Person not to be tried twice.

**157.** Where a person subject to military law has been acquitted or convicted of an offence by a court-martial, he shall not be liable to be tried again by a court-martial in respect of that offence.

Liability to military law in respect of status.

**158.** (1.) Where an offence under this Act has been committed by any person while subject to military law, such person may be taken into and kept in military custody, and tried and punished for such offence, although he, or the corps or battalion to which he belongs, has ceased to be subject to military law, in like manner as he might have been taken into and kept in military custody, tried or punished, if he or such corps or battalion had continued so subject:

Provided that where a person has since the commission of an offence ceased to be subject to military law, he shall not be tried for such offence, except in the case of the offence of mutiny, desertion, or fraudulent enlistment, unless his trial commences within three months after he has ceased to be subject to military law; but this section shall not affect the jurisdiction of a civil court in the case of any offence triable by such court as well as by court-martial.

(2.) Where a person subject to military law is sentenced by court-martial to penal servitude or imprisonment, this Act shall apply to him during the term of his sentence, notwithstanding that he is discharged or dismissed from Her Majesty's service, or has otherwise ceased to be subject to military law, and he may be kept, removed, imprisoned, and punished accordingly as if he continued to be subject to military law.

Liability to military law in respect of place of commission of offence.

**159.** Any person subject to military law who within or without Her Majesty's dominions commits any offence for which he is liable to be tried by court-martial may be tried and punished for such offence at any place (either within or without Her Majesty's dominions) which is within the jurisdiction of an officer authorised to convene general courts-martial, and in which the offender may for the time being be, in the same manner as if the offence had been committed where the trial by court-martial takes place, and the offender were under the command of the officer convening such court-martial.

*Jurisdiction.*

Punishment not increased by trial elsewhere than offence committed.

**160.** No person shall be subject to any punishment or penalties under the provisions of this Act other than those which could have been inflicted if he had been tried in the place where the offence was committed.

Liability to military law in respect of time for trial of offences.

**161.** A person shall not in pursuance of this Act be tried or punished for any offence triable by court-martial committed more than three years before the date at which his trial begins, except in the case of the offence of mutiny, desertion, or fraudulent enlistment; but this section shall not affect the jurisdiction of a civil court in the case of any offence triable by such court, as well as by court-martial; and where a soldier has served continuously in an exemplary manner for not less than three years in any corps of Her Majesty's regular forces he shall not be tried for any such offence of desertion (other than desertion on active service), or of fraudulent enlistment, as was committed before the commencement of such three years, but where such offence was fraudulent enlistment all service prior to such enlistment shall be forfeited.

Adjustment of military and civil law.

**162.** (1.) If a person sentenced by a court-martial in pursuance of this Act to punishment for an offence is afterwards tried by a civil court for the same offence, that court shall, in awarding punishment, have regard to the military punishment he may have already undergone.

(2.) Save as aforesaid, nothing in this Act shall exempt an officer or soldier from being proceeded against by the ordinary course of law, when accused or convicted of any offence, except such an offence as is declared not to be a crime for the purpose of the provisions of this Act relating to taking a soldier out of Her Majesty's service.

(3.) If an officer—

(*a.*) Neglects or refuses on application to deliver over to the civil magistrate any officer or soldier under his command, who is so accused or convicted as aforesaid; or

(*b.*) Wilfully obstructs or neglects or refuses to assist constables or other ministers of justice in apprehending any such officer or soldier,

such commanding officer shall, on conviction in any of Her Majesty's superior courts in the United Kingdom, or in a supreme court in India, be guilty of a misdemeanor.

(4.) A certificate of a conviction of an officer under this section, with the judgment of the court thereon in such form as may be directed by a Secretary of State, shall be transmitted to such Secretary of State.

(5.) Any offence committed by any such commanding officer out of the United Kingdom shall for the purpose of the apprehension, trial and punishment of the offender be deemed to have been committed within the jurisdiction of Her Majesty's High Court of Justice in England; and such court shall have jurisdiction as if the place where the offence was committed or the offender may for the time being be were in England.

(6.) Where a person subject to military law has been acquitted or convicted of an offence by a competent civil court, he shall not be liable to be tried in respect of that offence under this Act.

*Evidence.*



Regulations as to evidence.

**163.** (1.) The following enactments shall be made with respect to evidence in proceedings under this Act, whether before a civil court or a court-martial; that is to say,

(*a.*) The attestation paper purporting to be signed by a person on his being attested as a soldier, or the declaration purporting to be made by any person upon his re-engagement in any of Her Majesty's regular forces, or upon any enrolment in any branch of Her Majesty's service, shall be evidence of such person having given the answers to questions which he is therein represented as having given:

The enlistment of a person in Her Majesty's service may be proved by the production of a copy of his attestation paper purporting to be certified to be a true copy by the officer having the custody of the attestation paper without proof of the handwriting of such officer, or of his having the custody of the paper:

(*b.*) A letter, return, or other document respecting the service of any person in or the discharge of any person from any portion of Her Majesty's forces, or respecting a person not having served in or belonged to any portion of Her Majesty's forces, if purporting to be signed by or on behalf of a Secretary of State, or of the Commissioners of the Admiralty, or by the commanding officer of any portion of Her Majesty's forces, or of any of Her Majesty's ships, to which such person appears to have belonged, or alleges that he belongs or had belonged, shall be evidence of the facts stated in such letter, return, or other document:

(*c.*) Copies purporting to be printed by a Government printer of Queen's regulations, of royal warrants, of army circulars, and of rules made by Her Majesty, or a Secretary of State, in pursuance of this Act, shall be evidence of such regulations, royal warrants, army circulars, and rules:

(*d.*) An army list or gazette purporting to be published by authority, and either to be printed by a Government printer or to be issued, if in the United Kingdom, by Her Majesty's Stationery Office, and if in India, by some office under the Governor-General of India or the Governor of any presidency in India, shall be evidence of the status and rank of the officers therein mentioned, and of any appointment held by such officers, and of the corps or battalion or arm or branch of the service to which such officers belong:

(*e.*) Any warrants or orders made in pursuance of this Act by any military authority shall be deemed to be evidence of the matters and things therein directed to be stated by or in pursuance of this Act, and any copies of such warrants or orders purporting to be certified to be true copies by the officer therein alleged to be authorised by a Secretary of State or Commander-in-Chief to certify the same shall be admissible in evidence:

(*f.*) Evidence of the delivery at the then last registered place of abode of a man enrolled in the Army Reserve of a notice issued by the proper officer under the direction of a Secretary of State or of the delivery of a letter containing such notice

*Evidence.*

addressed to the said place of abode, shall be evidence that such notice was brought to the knowledge of such man:

(*g.*) Where a record is made in one of the regimental books in pursuance of any Act or of the Queen's regulations, or otherwise in pursuance of military duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated:

(*h.*) A copy of any record in one of the said regimental books purporting to be certified to be a true copy by the officer having the custody of such book shall be evidence of such record:

(*i.*) A descriptive return within the meaning of this Act, purporting to be signed by a justice of the peace, shall be evidence of the matters therein stated.

(2.) For the purposes of this Act the expression "Government printer" means any printer to Her Majesty, and in India any Government press.

Evidence of civil conviction or acquittal.

**164.** Whenever any person subject to military law has been tried by any civil court, the clerk of such court, or his deputy, or other officer having the custody of the records of such court, shall, if required by the commanding officer of such person, or by any other officer, transmit to him a certificate setting forth the offence for which the person was tried, together with the judgment of the court thereon if he was convicted, and the acquittal if he was acquitted, and shall be allowed for such certificate a fee of three shillings. Any such certificate shall be sufficient evidence of the conviction and sentence or of the acquittal of the prisoner, as the case may be.

Evidence of conviction by court-martial.

**165.** The original proceedings of a court-martial, purporting to be signed by the president thereof and being in the custody of the Judge Advocate General, or of the officer having the lawful custody thereof, shall be deemed to be of such a public nature as to be admissible in evidence on their mere production from such custody; and any copy purporting to be certified by such Judge Advocate General or his deputy authorised in that behalf, or by the officer having such custody as aforesaid, to be a true copy of such proceedings or of any part thereof, shall be admissible in evidence without proof of the signature of such Judge Advocate General, deputy, or officer; and a Secretary of State, upon production of any such proceedings or certified copy, may, by warrant under his hand, authorise the offender appearing therefrom to have been convicted and sentenced to any punishment, to be imprisoned and otherwise dealt with in accordance with the sentence in the proceedings or certified copy mentioned.

*Summary and other Legal Proceedings.*

*Summary and other Legal Proceedings.*

Prosecution of offences, and recovery and application of fines.

**166.** (1.) A court of summary jurisdiction having jurisdiction in the place where the offence was committed or in the place where the offender may for the time being be shall have jurisdiction over all offences triable in a civil court under this Act, except any such offence as is declared by this Act to be a misdemeanor, or to be punishable on indictment; and any offence within the jurisdiction

of a court of summary jurisdiction may be prosecuted, and the fine and forfeiture in respect thereof may be recovered on summary conviction, in manner provided by the Summary Jurisdiction Acts. *Summary and other Legal Proceedings.*

(2.) Any proceedings taken before a court of summary jurisdiction in pursuance of this Act shall be taken in accordance with the Summary Jurisdiction Acts so far as applicable.

(3.) A court of summary jurisdiction imposing a fine in pursuance of this Act may, if it seem fit, order a portion of such fine not exceeding one half to be paid to the informer.

(4.) Where the maximum fine or imprisonment which a court of summary jurisdiction in England, when sitting in an occasional courthouse, is authorised by law to impose is less than the minimum fine or imprisonment fixed by this Act, the court may impose the maximum fine or imprisonment which such court is authorised by law to impose, but if required by either party, shall adjourn the case to the next practicable petty sessional court.

(5.) The court of summary jurisdiction in Ireland, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

(6.) Subject to the provisions of this Act with regard to the payment to the informer, fines and other sums recovered before a court of summary jurisdiction in pursuance of this Act shall, notwithstanding anything contained in any other Act, if recovered in England, be paid into the Exchequer, and if recovered in Ireland, shall be applied in manner directed by the Fines Act (Ireland), 1851, and any Acts amending the same. 14 & 15 Vict. c. 90.

**167.** (1.) In Scotland, offences and fines which may be prosecuted and recovered on summary conviction may be prosecuted and recovered and proceedings under this Act may be taken at the instance of the procurator fiscal of the court, or of any person in that behalf authorised by a Secretary of State or the Commander-in-Chief, or of any person authorised by this Act to complain. Summary proceedings in Scotland.

(2.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months, and the conviction and warrant may be in the form number three of Schedule K. of the Summary Procedure Act, 1864. 27 & 28 Vict. c. 53.

(3.) All fines and other sums recovered under this Act before a court of summary jurisdiction, subject to any payment made to the informer, shall be paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty.

(4.) It shall be no objection to the competency of a person to give evidence as a witness in any prosecution for offences under this Act, that such prosecution is brought at the instance of such person.

(5.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction.

*Summary and other Legal Proceedings.*

(6.) All jurisdictions, powers, and authorities necessary for the purposes of this Act are conferred on the sheriffs and their substitutes and on justices of the peace.

(7.) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by the procurator fiscal of the court, or such person as aforesaid, presented in common form.

Summary proceedings in Isle of Man, Channel Islands, India, and the colonies.

**168.** All offences under this Act which may be prosecuted, and all fines under this Act which may be recovered on summary conviction, and all proceedings under this Act which may be taken before a court of summary jurisdiction, may be prosecuted and recovered and taken in the Isle of Man, Channel Islands, India, and any colony in such courts and in such manner as may be from time to time provided therein by law, or if no express provision is made, then in and before the courts and in the manner in which the like offences and fines may be prosecuted and recovered and proceedings taken therein by law, or as near thereto as circumstances admit.

Power of Governor-General of India and legislature of colony as to fines.

**169.** It shall be lawful for the Governor-General of India, and for the legislature of any colony, to provide by law for reducing any fine directed by this Act to be recovered on summary conviction to such amount as may appear to the Governor-General or legislature to be better adapted to the pecuniary means of the inhabitants, and also to declare the amount of the local currency which is to be deemed for the purposes of this Act to be equivalent to any sum of British currency mentioned in this Act.

Protection of persons acting under Act.

**170.** (1.) Any action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act, shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within twelve months next after the ceasing thereof.

(2.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

(3.) Every such action, and also every action against a member or minister of a court-martial in respect of a sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in one of Her Majesty's superior courts in the United Kingdom (which court shall have jurisdiction to try the same wherever the matter complained of occurred) or in a supreme court in India, or in any Colonial court of superior jurisdiction, provided the matter complained of occurred within the jurisdiction of such Indian or Colonial court respectively, and in no other court whatsoever.

*Miscellaneous.* *Miscellaneous.*

Exercise of powers vested in holder of military office.

**171.** Any power or jurisdiction given to, and any act or thing to be done by, to, or before any person holding any military office may be exercised by, or done by, to, or before any other person for the time being authorised in that behalf according to the custom of the service.

Provisions as to warrants and orders of military authorities.

**172.** (1.) Where any order is authorised by this Act to be made by the Commander-in-Chief or the Adjutant-General, or by the Commander-in-Chief or Adjutant-General of the forces in India or in any presidency in India, or by any general or other officer commanding, such order may be signified by an order, instruction, or letter under the hand of any officer authorised to issue orders on behalf of such Commander-in-Chief, Adjutant-General, or general or other officer commanding, and an order, instruction, or letter purporting to be signed by any officer appearing therein to be so authorised shall be evidence of his being so authorised.

(2.) An order issued in pursuance of this Act in relation to a military convict or military prisoner shall not be held void by reason of the death or removal from office of the officer issuing the same, or by reason of any defect in such order, if it be alleged in such order that the convict or prisoner has been convicted, and there is a good and valid conviction to sustain the order.

(3.) An order in any case if issued in the prescribed form shall be valid, but an order deviating from the prescribed form if otherwise valid shall not be rendered invalid by reason only of such deviation.

(4.) Where any military convict or military prisoner is for the time being in custody, whether military or civil, in any place or manner in which he might legally be kept in pursuance of this Act, the custody of such convict or prisoner shall not be deemed to be illegal only by reason of any informality or error in or as respects the order, warrant, or other document, or the authority by or in pursuance whereof such convict or prisoner was brought into or is detained in such custody, and any such order, warrant, or document may be amended accordingly.

Furlough in case of sickness.

**173.** If any soldier on furlough is detained by sickness or other casualty rendering necessary any extension of such furlough in any place, and there is not any officer in the performance of military duty of the rank of captain, or of higher rank, within convenient distance of the place, any justice of the peace who is satisfied of such necessity may grant an extension of furlough for a period not exceeding one month; and the said justice shall by letter immediately certify such extension and the cause thereof to the commanding officer of such soldier, if known, and if not, then to a Secretary of State. The soldier may be recalled to duty by his commanding officer or other competent military authority, and the furlough shall not be deemed to be extended after such recall; but, save as aforesaid, the soldier shall not in respect of the period of such extension of furlough, be liable to be treated as a deserter, or as absent without leave.

Licenses of canteens

**174.** (1.) When a person holds a canteen under the authority of a Secretary of State or the Admiralty, it shall be lawful for any two justices within their respective jurisdictions to grant, transfer, or renew any license for the time being required to enable such

*Miscellaneous.*

person to obtain or hold any excise license for the sale of any intoxicating liquor, without regard to the time of year, and without regard to the requirements as to notices, certificates, or otherwise, of any Acts for the time being in force affecting such licenses; and excise licenses may be granted to such persons accordingly.

(2.) For the purposes of this section the expression license includes any license or certificate for the time being required by law to be granted, renewed, or transferred by any justices of the peace, in order to enable any person to obtain or hold any excise license for the sale of any intoxicating liquor.

## PART V.

## APPLICATION OF MILITARY LAW, SAVING PROVISIONS, AND DEFINITIONS.

*Persons subject to Military Law.*

*Persons subject to Military Law.*

Persons subject to Military Law as Officers.

**175.** The persons in this section mentioned are persons subject to military law as officers, and this Act shall apply accordingly to all the persons so specified; that is to say,

(1.) Officers of the regular forces on full pay, and, if not otherwise subject to military law, officers of the staff of the Army, and officers employed on military service under the orders of an officer of the regular forces:

(2.) Officers who are members of the permanent staffs of any of the auxiliary forces, and are not otherwise subject to military law:

(3.) Officers of the militia other than members of the permanent staff:

(4.) All such persons not otherwise subject to military law as may be serving in the position of officers of any troops or portion of troops raised by order of Her Majesty beyond the limits of the United Kingdom and of India, and serving under the command of an officer of the regular forces:

Provided that nothing in this Act shall affect the application to such persons of any Act passed by the legislature of a colony:

(5.) Officers of the yeomanry, and officers of the volunteers, whenever in actual command of men who are in pursuance of this Act subject to military law, or when their corps is on actual military service:

(6.) Any officer of the yeomanry or volunteers, whether in receipt of pay or otherwise, during and in respect of the time when with his own consent he is attached to or doing duty with any body of troops for the time being subject to military law, whether of the regular or auxiliary forces, or, with his own consent, is ordered on duty by the military authorities:

(7.) Every person not otherwise subject to military law who under the general or special orders of a Secretary of State or of the Governor-General of India accompanies in an official capacity equivalent to that of officer any of Her Majesty's troops on active service in any place beyond the seas, subject to this qualification, that where such person is a native of India he shall be subject to that law as an officer:

(8.) Any person, not otherwise subject to military law, accompanying a force on active service, who shall hold from the commanding officer of such force a pass, revocable at the pleasure of such commanding officer, entitling such person to be treated on the footing of an officer. *Persons subject to Military Law*

**176.** The persons in this section mentioned are persons subject to military law as soldiers, and this Act shall apply accordingly to all the persons so specified; that is to say, *Persons subject to military law as soldiers.*

(1.) All soldiers of the regular forces:

(2.) All non-commissioned officers and men of the permanent staff of any of the auxiliary forces who are not otherwise subject to military law:

(3.) All non-commissioned officers and men serving in a force raised by order of Her Majesty beyond the limits of the United Kingdom and of India, and serving under the command of an officer of the regular forces:

Provided that nothing in this Act shall affect the application to such non-commissioned officers and men of any Act passed by the legislature of a colony:

(4.) All pensioners not otherwise subject to military law who are employed in military service under the orders of an officer of the regular forces:

(5.) All non-commissioned officers and men belonging to the army reserve force or the militia reserve force,—

(*a.*) When called out for training and exercise; and

(*b.*) When called out for duty in aid of the civil power; and

(*c.*) When called out on permanent service under Her Majesty's proclamation:

(6.) All non-commissioned officers and men in the militia of the United Kingdom,—

(*a.*) During their preliminary training; and

(*b.*) When they or the body of militia to which they belong are being trained or exercised either alone or with any portion of the regular forces or otherwise; and

(*c.*) When attached to or otherwise acting as part of or with any regular forces; and

(*d.*) When embodied:

(7.) All non-commissioned officers and men belonging to the yeomanry force of the United Kingdom,—

(*a.*) When they or their corps are being trained or exercised, either alone or with any portion of regular forces, or with any portion of the militia when subject to military law; and

(*b.*) When they are attached to or otherwise acting as part of or with any regular forces; and

(*c.*) When their corps is on actual military service; and

(*d.*) When serving in aid of the civil power:

(8.) All non-commissioned officers and men belonging to the volunteer forces of the United Kingdom,—

(*a.*) When they are being trained or exercised with any portion of the regular forces or with any portion of the militia when subject to military law; and

*Persons subject to Military Law.*

(*b.*) When they are attached to or otherwise acting as part of or with any regular forces; and

(*c.*) When their corps is on actual military service:

Provided that it shall be the duty of the commanding officer of any part of the volunteer force not in actual military service, when he knows that any non-commissioned officers or men belonging to that force are about to enter upon any service which will render them subject to military law, to provide for their being informed that they will become so subject, and for their having an opportunity of abstaining from entering on that service.

(9.) All persons who are employed by or are in the service of any of Her Majesty's troops when employed on active service beyond the seas, and who are not under the former provisions of this Act subject to military law:

(10.) All persons not otherwise subject to military law who are followers of or accompany Her Majesty's troops, or any portion thereof, when employed on active service beyond the seas; subject to this qualification that, where any such persons are employed by or are followers of, or accompany any portion of, Her Majesty's forces, consisting partly of Her Majesty's Indian forces subject to Indian military law, and such persons are natives of India, they shall be subject to Indian military law.

*Persons belonging to colonial forces and subject to military law as officers or soldiers.*

**177.** Where any force of volunteers, or of militia, or any other force, is raised in India or in a colony, any law of India or the colony may extend to the officers, non-commissioned officers and men belonging to such force, whether within or without the limits of India or the colony; and where any such force is serving with part of Her Majesty's regular forces, then so far as the law of India or the colony has not provided for the government and discipline of such force, this Act and any other Act for the time being amending the same shall, subject to such exceptions and modifications as may be specified in the general orders of the general officer commanding Her Majesty's forces with which such force is serving, apply to the officers, non-commissioned officers, and men of such force, in like manner as they apply to the officers, non-commissioned officers, and men respectively mentioned in the two preceding sections of this Act.

*Mutual relations of regular forces and auxiliary forces.*

**178.** When officers, non-commissioned officers, and men belonging to the auxiliary forces, or any pensioners, are subject to military law in pursuance of this Act, such officers, non-commissioned officers, men and pensioners shall be subject to this Act in all respects as if they were part of the regular forces, and the provisions of this Act shall be construed as if such officers, non-commissioned officers, men and pensioners were included in the expression "regular forces": Provided that nothing in this section contained shall affect the conditions of service of any officer, non-commissioned officer, or man belonging to such auxiliary forces, or of any pensioner.

*Modification of Act with respect to Royal Marines.*

**179.** In the application of this Act to Her Majesty's Royal Marines the following modifications shall be made:

(1.) Nothing in this Act shall prejudice any power of the Admiralty to make Articles of War for the Royal Marines or otherwise prejudice the authority of the Admiralty over the Royal Marines or confer on any officers who are not officers of the

Royal Marines any greater authority to command the Royal Marines than they have heretofore used; and a general court-martial for the trial of an officer or man in the Royal Marines shall not be convened except by an officer authorised by a warrant from the Admiralty in pursuance of this section, and except that, where such officer or man while subject to this Act is serving beyond the seas with any other portion of the regular forces, and in the opinion of the general or other officer commanding those forces (such opinion to be stated in the order convening the court and to be conclusive), there is not present any officer authorised by warrant from the Admiralty to convene a general court-martial, a general court-martial convened by such general or other officer, if authorised to convene general courts-martial, may try such officer or man. *Persons subject to Military Law.*

(2.) A district court-martial for the trial of a man in the Royal Marines may be convened by any officer having authority to convene a district court-martial for the trial of any soldier of any other portion of the regular forces.

(3.) Any power in relation to the convening of courts-martial, or of authorising an officer to convene courts-martial, or to delegate the powers of convening courts-martial, or of confirming the findings and sentences of courts-martial, or otherwise in relation to courts-martial, which under this Act Her Majesty may exercise by any warrant or warrants, may be exercised in Her Majesty's name by a warrant or warrants from the Admiralty; and any such warrant may be addressed to any officer to whom any warrant of Her Majesty can be addressed.

(4.) Any power vested by this Act in Her Majesty in relation to the confirmation of the findings and sentences of courts-martial, or otherwise in relation to courts-martial, may be exercised by the Admiralty.

(5.) Without prejudice to any power of confirmation, the findings and sentences of any general or district court-martial on an officer or man of the Royal Marines may be confirmed by an officer authorised under this section to convene the same, or by any officer otherwise authorised under this Act to confirm the findings and sentences of general or district courts-martial, as the case may be, for the trial of any soldier of any other portion of the regular forces.

(6.) Any power vested in Her Majesty by this Act in relation to the making of rules, or to any order with respect to pay, or to any complaint in respect of an officer who thinks himself wronged, shall be vested in and exercised by the Admiralty, and the provisions of this Act respectively relating to such rules, orders, and complaints shall be construed, so far as respects the Royal Marines, as if "the Admiralty" were substituted for Her Majesty, as well as for the Secretary of State.

(7.) Anything required or authorised by this Act to be done by, to, or before a Secretary of State, the Commander-in-Chief, Adjutant-General, or Judge Advocate General, may, as regards the Royal Marines, be done by, to, or before the Admiralty; and the provisions of this Act shall be construed, so far as respects the Royal Marines, as if "the Admiralty" were sub-

*Persons subject to Military Law.*

stituted for "Secretary of State," "Commander-in-Chief," "Adjutant-General," and "Judge Advocate General," wherever those words occur.

(8.) Anything required or authorised by this Act to be done by, to, or before the Commander-in-Chief of the forces in India, or of any presidency in India, or the general or other officer commanding the forces in any colony or elsewhere, may, as regards the Royal Marines, be done by, to, or before such officer as the Admiralty may by warrant from time to time appoint in that behalf, and, if no such appointment is made, by such Commander-in-Chief or general or other officer.

(9.) Anything authorised by this Act to be done by Royal warrant may be done, as regards the Royal Marines, by warrant of the Admiralty, and the provisions of this Act with respect to Royal warrants printed by the Government printer shall apply to any warrants of the Admiralty under this Act.

(10.) Anything authorised to be done by the deputy of the Judge Advocate General may be done by any one of the Commissioners for executing the office of Lord High Admiral, or by a secretary of the Admiralty.

(11.) In the provisions of this Act with respect to evidence, the expression "Queen's Regulations" shall be deemed to include Admiralty Regulations.

(12.) Nothing in the provisions of this Act relating to the term of enlistment, to the conditions of service, to appointment or transfer, to transfer to the reserve, to the re-engagement or prolongation of service or to forfeiture of service of a soldier of the regular forces, or to the rules for reckoning service for discharge or transfer to the reserve, shall apply to the Royal Marines.

(13.) A marine on his re-engagement shall make a declaration, either before a justice of the peace or person having under this Act the same authority as a justice of the peace, for the purposes of enlistment, or before a naval officer commanding any ship commissioned by Her Majesty, or before the commanding officer of any battalion or detachment of Royal Marines, in the form from time to time directed by the Admiralty.

(14.) A man in the Royal Marines shall forfeit his service for fraudulent enlistment and absence without leave in like manner as he forfeits it for desertion under the Acts relating to the Royal Marines.

(15.) Officers and men of the Royal Marines, during the time that they are borne on the books of any ship commissioned by Her Majesty (otherwise than for service on shore), shall be subject to the Naval Discipline Act, 1866, and to the laws for the government of officers and seamen in the Royal Navy, and to the rules for the discipline of the Royal Navy for the time being, and shall be tried and punished for any offence in the same manner as officers and seamen in the Royal Navy:

29 & 30 Vict. c. 109.

Provided that—

(*a.*) The last-mentioned provision shall not prevent the application of this Act to any person dealing with or having any

relations with any such officer or man of the Royal Marines or to any such officer or man if found on shore as a deserter or absentee without leave; and *Persons subject to Military Law.*

(*b.*) If any such officers or men of the Royal Marines are employed on land, the senior naval officer present may, if it seems to him expedient, order that they shall, during such employment, be subject to military law under this Act, and while such order is in force they shall be subject to military law under this Act accordingly.

(16.) If any officer or man of the Royal Marines who is borne on the books of any ship commissioned by Her Majesty commits an offence for which he is not amenable to a naval court-martial, but for which he can be punished under this Act, he may be tried and punished for such offence under this Act.

(17.) The Admiralty may direct that an officer or man of the Royal Marines may be tried under this Act for any offence committed by him on shore, whether he be or be not amenable to a naval court-martial for such offence, or be or be not borne on the books of any ship commissioned by Her Majesty.

(18.) Where any officer or man of the Royal Marines is on board any ship commissioned by Her Majesty, but is borne on the books thereof for service on shore, he shall be subject to the Naval Discipline Act, 1866, to such extent and under such regulations as Her Majesty by Order in Council from time to time directs, and, so far as she does not so direct, as is for the time being directed by Order in Council with respect to the other regular forces. 29 & 30 Vict. c. 109.

(19.) Any naval prison within the meaning of the Naval Discipline Act, 1866, shall be deemed to be included in the definition of a public prison for the purposes of this Act. and the Admiralty shall not have any authority to establish any military prison under this Act. 29 & 30 Vict. c. 109.

(20.) In this section the expression "Admiralty" means the Lord High Admiral or the Commissioners for executing the office of the Lord High Admiral for the time being, or any two of them.

(21.) The expression "man of the Royal Marines" includes a non-commissioned officer of the Royal Marines.

**180.** (1.) In the application of this Act to Her Majesty's forces when serving in India the following modification shall be made: *Modification of Act with respect to Her Majesty's Indian forces.*

A court-martial may take the same proceedings for the punishment of a person not subject to military law who, in any part of India, commits any offence as a witness before a court-martial, or is guilty of a contempt of a court-martial, as might be taken by any civil court in that part of India in the case of the like offence in that court, and any court in which such proceedings are taken shall have jurisdiction to punish such person accordingly.

(2.) In the application of this Act to Her Majesty's Indian forces the following modifications shall be made:

(*a.*) Nothing in this Act shall prejudice or affect the Indian military law respecting officers or soldiers or followers in Her Majesty's Indian forces, being natives of India; and on the

*Persons subject to Military Law.*

trial of all offences committed by any such native officer, soldier, or follower, reference shall be had to the Indian military law for such native officers, soldiers, or followers, and to the established usages of the service, but courts-martial for such trials may be convened in pursuance of this Act.

(*b.*) For the purposes of this Act the expression "Indian military law" means the Articles of War or other matters made, enacted, or in force, or which may hereafter be made, enacted, or in force under the authority of the Government of India; and such articles or other matters shall extend to such native officers, soldiers, and followers wherever they are serving.

(*c.*) The Governor of any presidency in India may suspend the proceedings of any court-martial held in India on an officer or soldier belonging to Her Majesty's Indian forces within such presidency.

(*d.*) An officer belonging to Her Majesty's Indian forces who thinks himself wronged by his commanding officer, and on due application made to him does not receive the redress to which he may consider himself entitled, may complain to the Commander-in-Chief in the presidency to which such officer belongs, who shall cause his complaint to be inquired into, and thereupon report to the Governor of such presidency in order to receive the further directions of that Governor.

(*e.*) A court-martial may sentence an officer of the Indian staff corps to forfeit all or any part of his army or staff service, or all or any part of both.

(*f.*) The Governor of any of the presidencies in India may reduce any warrant officer not holding an honorary commission, who is serving in or belonging to such presidency, to a lower grade of warrant rank, or may remand any such warrant officer to regimental duty in the regimental rank held by him immediately previous to his appointment to be a warrant officer.

(*g*) The provisions of this Act relating to warrant officers not holding honorary commissions shall apply to hospital apprentices in India although not appointed by warrant.

(*h.*) Part Two of this Act shall not apply to Her Majesty's Indian forces, but persons may be enlisted and attested in India for medical service or for other special service in Her Majesty's Indian forces for such periods, by such persons, and in such manner as may be from time to time authorised by the Governor General of India.

(3.) In this Act, so far as regards India, any reference to an indictable offence, or an offence punishable on indictment, shall be deemed to refer to an offence punishable with rigorous imprisonment.

*Modification of Act with respect to auxiliary forces.*

**181.** (1.) The provisions of this Act with respect to enlistment shall not apply to a person enlisted or enrolled in any of Her Majesty's auxiliary forces, except so far as such person enlists or attempts to enlist in the regular forces, and except so far as the said provisions may be applied by any other Act.

(2.) The provisions of this Act shall apply to the permanent staff of the auxiliary forces who are not otherwise part of the regular

forces, in like manner as if such permanent staff were part of the regular forces. *Persons subject to Military Law*

(3.) The provisions of this Act with respect to billeting and impressment of carriages shall apply to Her Majesty's auxiliary forces when subject to military law, in like manner as if they were part of the regular forces, subject to the following modification:

(4.) An order issued and signed as a route or an order signed by the officer commanding the battalion of militia, or the battalion or corps of yeomanry, or volunteers, shall be substituted for a route,—

(*a.*) In the case of any militiaman attending for his preliminary training; and

(*b.*) In the case of any militia officer, non-commissioned officer, or man, assembled for training and exercise at the place in the United Kingdom appointed by Her Majesty in that behalf; and

(*c.*) In the case of any militia officer, non-commissioned officer, or man, embodied under an order of Her Majesty, who has joined his corps at the place appointed for his assembling; and

(*d.*) In the case of any officer, non-commissioned officer, or man, of the yeomanry, or volunteers attending at the place at which his corps is required to assemble;

and an order to billet such officer, non-commissioned officer, or man, purporting to be signed in manner required by this Act in the case of a route or by the officer commanding a battalion of militia, or a battalion or corps of yeomanry, or volunteers, as the case may be, shall be evidence, until the contrary is proved, of the order being issued in accordance with this Act, and when delivered to an officer, non-commissioned officer, or man of the militia, yeomanry, or volunteers, shall be a sufficient authority to such officer, non-commissioned officer, or man, to demand billets, and when produced by an officer, non-commissioned officer, or man to a constable shall be conclusive evidence to such constable of the authority of the officer, non-commissioned officer, or man producing the same to demand billets in accordance with the order.

(5.) The competence or liability of an officer of the auxiliary forces to be nominated or elected to, or to hold the office of sheriff, mayor, or alderman, or an office in a municipal corporation, shall not be affected by reason of the battalion or corps to which he belongs being assembled for annual training at the time of such nomination or election, or during the time of his tenure of office.

(6.) When a member of the volunteers, being a non-commissioned officer or private, is subject to military law, dismissal may be awarded to him as a punishment, in the event of his committing any offence triable by court-martial or punishable by a commanding officer under this Act.

**182.** The provisions of this Act shall apply to a warrant officer not holding an honorary commission in like manner as if he were a non-commissioned officer, subject nevertheless (in addition to the modifications for a non-commissioned officer) to the following modifications: *Special provisions as to warrant officers.*

(1.) He shall not be punished by his commanding officer nor tried by regimental court-martial, nor sentenced by a district court-martial to any punishment not in this section mentioned; and

*Persons subject to Military Law.*

(2.) Without prejudice to any other power of a court-martial, he may be sentenced by a court-martial other than a regimental court-martial to be dismissed from the service or to be suspended from rank, and pay, and allowances, or any of them, for any period stated by the court-martial, or to be reduced to the bottom or any other place in the list of the rank which he holds, or to be reduced to an inferior class of warrant officer (if any), or if he was originally enlisted as a soldier and transferred to serve as a warrant officer, but not otherwise, to be reduced to a lower grade or to the ranks, or to be transferred to a corps in the same arm or branch of the service and in the same regimental rank as that in which he served immediately before his transfer to be warrant officer;

(3.) A warrant officer reduced to the ranks or remanded to regimental duty in the rank of private shall not be required to serve in the ranks as a soldier;

(4.) The president of a court-martial for the trial of a warrant officer shall in no case be under the rank of captain.

Special provisions as to non-commissioned officer.

**183.** In the application of this Act to a non-commissioned officer the following modifications shall apply:

(1.) The obligation on a commanding officer to deal summarily with a soldier charged with drunkenness shall not apply to a non-commissioned officer charged with drunkenness:

(2.) The Commander-in-Chief, and in India the Commander-in-Chief of the forces in India, and also the Commander-in-Chief of the forces in any presidency in India, may reduce any non-commissioned officer to any lower grade or to the ranks:

(3.) A non-commissioned officer may be reduced by the sentence of a court-martial to any lower grade or to the ranks, either in addition to or without any other punishment, in respect of an offence:

(4.) A non-commissioned officer sentenced by court-martial to penal servitude or imprisonment shall be deemed to be reduced to the ranks.

Provided that—

(*a.*) An army schoolmaster shall not be liable to be reduced to the ranks, but may nevertheless be sentenced by a court-martial to penal servitude or imprisonment, or to a lower grade of pay, or to be dismissed, and if sentenced to penal servitude or imprisonment, shall be deemed to be dismissed; but

(*b.*) The Commander-in-Chief, and in India the Commander-in-Chief of the forces in India, and also the Commander-in-Chief of the forces of any presidency in India, may dismiss an army schoolmaster:

(*c.*) A soldier being an acting non-commissioned officer by virtue of his employment either in a superior rank or in an appointment may be ordered by his commanding officer either for an offence or otherwise to revert to his permanent grade as a non-commissioned officer, or if he has no permanent grade above the ranks, to the ranks.

Special provisions as to application of

**184.** In the application of this Act to persons who do not belong to Her Majesty's forces, the following modifications shall be made:—

*Persons subject to Military Law.*

(1.) Where an offence has been committed by any person subject to military law who does not belong to Her Majesty's forces, such person may be tried by any description of court-martial other than a regimental court-martial, convened by an officer authorised to convene such description of court-martial, within the limits of whose command the offender may for the time being be, and may be tried and on conviction dealt with and punished accordingly.

Act to persons not belonging to Her Majesty's forces.

(2.) Any person subject to military law who does not belong to Her Majesty's forces shall, for the purposes of this Act relating to offences, be deemed to be under the command of the commanding officer of the corps or portion of a corps (if any) to which he is attached, and if he is not attached to any corps or portion of a corps under the command of any officer who may for the time being be named as his commanding officer by the general or other officer commanding the force with which such person may for the time being be, or of any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said general or other officer commanding, but such person shall not be liable to be punished by a commanding officer or by a regimental court-martial.

Provided that a general or other officer commanding shall not place a person under the command of an officer of rank inferior to the official rank of such person if there is present, at the place where such person is, any officer of higher rank under whose command he can be placed.

## *Saving Provisions.*

*Saving Provisions.*

Special provision as to prisoners and prisons in Ireland.

40 & 41 Vict. c. 49.

**185.** All jurisdiction and powers of a Secretary of State under this Act with respect to military convicts or military prisoners, or to prisons other than military prisons, shall in Ireland be vested in the General Prisons Board, and shall be exercised by that board in the manner and subject to the regulations in and under which the jurisdiction and powers of that board are exercised under the General Prisons (Ireland) Act, 1877, and the provisions of this Act with respect to the orders and regulations of the Secretary of State shall apply to the orders and regulations of such board.

Saving of 29 & 30 Vict. c. 109. s. 88. as to forces when on board Her Majesty's ships.

**186.** Nothing in this Act shall affect the application of the Naval Discipline Act, 1866, or any Order in Council made thereunder, to any of Her Majesty's forces when embarked on board any ship commissioned by Her Majesty, and the auxiliary forces shall be deemed to be part of Her Majesty's forces within the meaning of that Act.

## *Definitions.*

*Definitions.*

Application of Act to Channel Islands and Isle of Man.

**187.** This Act shall apply to the Channel Islands and the Isle of Man in like manner as if they were part of the United Kingdom, subject to the following modifications:

(1.) The provisions of this Act relating to billeting and the impressment of carriages shall not extend to the Channel Islands and the Isle of Man:

(2.) For the purposes of the provisions of this Act relating to the execution of sentences of penal servitude or imprisonment, and

*Definitions.*

to prisons, the Channel Islands and the Isle of Man shall be deemed to be colonies, and any sentence of penal servitude or imprisonment passed in any of those islands shall be deemed to have been passed in a colony:

(3.) For the purposes of the provisions of this Act relating to the auxiliary forces the Channel Islands shall be deemed to be colonies:

(4.) For the purposes of the provisions of this Act relating to the militia the Isle of Man shall be deemed to be a colony.

Application of Act to ships

**188.** Where a person subject to military law is on board a ship, this Act shall apply until he arrives at the port of disembarkation in like manner as if he and the officers in command of him were on land at the place at which he embarked on board the said ship, subject to this proviso, that, if he is tried and sentenced while so on board ship, any finding and sentence, so far as not confirmed and executed on board ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

Interpretation of term "active service."

**189.** (1.) In this Act, if not inconsistent with the context, the expression "on active service" as applied to a person subject to military law means whenever he is attached to or forms part of a force which is engaged in operations against the enemy or is engaged in military operations in a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country.

(2.) Where the governor of a colony in which any of Her Majesty's forces are serving, or if the forces are serving out of Her Majesty's dominions, the general officer commanding such forces, declares at any time or times that, by reason of the imminence of active service or of the recent existence of active service, it is necessary for the public service that the forces in the colony or under his command, as the case may be, should be temporarily subject to this Act, as if they were on active service, then, on the publication in general orders of any such declaration, the forces to which the declaration applies shall be deemed to be on active service for the period mentioned in the declaration, so that the period mentioned in any one declaration do not exceed three months from the date thereof.

(3.) If at any time during the said period the governor or general officer for the time being is of opinion that the necessity continues he may from time to time renew such declaration for another period not exceeding three months, and such renewal shall be published and have effect as the original declaration, and if he is of opinion that the said necessity has ceased, he shall state such opinion, and on the publication in general orders of such statement, the forces to which the declaration applies shall cease to be deemed to be on active service.

(4.) Every such declaration, renewal of declaration, and statement by the governor of a colony shall be made by proclamation published in the official gazette of the colony, and it shall be the duty of every governor or general officer making a declaration or renewal of a declaration under this section, if he has the means of direct telegraphic communication with a Secretary of State, to obtain the previous consent of the Secretary of State to such declaration or

renewal, and in any other case to report the same with the utmost practicable speed to the Secretary of State. *Definitions.*

(5.) The Secretary of State may, if he thinks fit, annul a declaration or renewal purporting to be made in pursuance of this section, without prejudice to anything done by virtue thereof before the date at which the annulment takes effect, and until that date any such declaration or renewal shall be deemed to have been duly made in accordance with this section, and shall have full effect.

**190.** In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after respectively assigned to them; that is to say, Interpretation of terms.

(1.) The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

(2.) The expression "Lord Lieutenant of Ireland" includes the lords justices or other chief governor or governors of Ireland:

(3.) The expression "Commander-in-Chief" means the field-marshal or other officer commanding in chief Her Majesty's forces for the time being:

(4.) The expression "officer" means an officer commissioned or in pay as an officer in Her Majesty's forces, or any arm, branch, or part thereof; it also includes a person who, by virtue of his commission, is appointed to any department or corps of Her Majesty's forces, or of any arm, branch, or part thereof; it also includes a person, whether retired or not, who, by virtue of his commission or otherwise, is legally entitled to the style and rank of an officer of Her Majesty's said forces, or of any arm, branch, or part thereof:

Warrant and other officers holding honorary commissions are officers within the meaning of this Act, subject to the exceptions in this Act mentioned:

(5.) The expression "non-commissioned officer" includes an acting non-commissioned officer, and includes an army schoolmaster when not a warrant officer, but save as is in this Act mentioned does not include a warrant officer not holding an honorary commission:

(6.) The expression "soldier" does not include an officer as defined by this Act, but, with the modifications in this Act contained in relation to warrant officers and non-commissioned officers, does include a warrant officer not having an honorary commission and a non-commissioned officer, and every person subject to military law during the time that he is so subject:

(7.) The expression "superior officer," when used in relation to a soldier, includes a warrant officer not holding an honorary commission, and also includes a non-commissioned officer as above defined:

(8.) The expressions "regular forces" and "Her Majesty's regular forces" mean officers and soldiers who by their commission, terms of enlistment, or otherwise, are liable to render continuously for a term military service to Her Majesty in any part of the world, including, subject to the modifications in this Act mentioned, the Royal Marines and Her Majesty's Indian forces, and the Royal Malta Fencible Artillery, and subject to this qualification that when the reserve forces are

*Definitions.*

subject to military law such forces become during the period of their being so subject part of the regular forces:

(9.) The expression "reserve forces" means the army reserve force and the militia reserve force:

30 & 31 Vict. c. 110.

(10.) The expression "the army reserve force" means the reserve force established under the Reserve Force Act, 1867, and any Act amending the same:

30 & 31 Vict. c. 111.

(11.) The expression "the militia reserve force" means the men enlisted from time to time under the Militia Reserve Act, 1867, and any Act amending the same:

(12.) The expression "auxiliary forces" means the militia, the yeomanry, and the volunteers:

(13.) The expression "militia" includes the general and the local militia:

(14.) The expression "volunteers and volunteer forces" includes the Honourable Artillery Company of London:

(15.) The expression "corps"—

(A.) In the case of Her Majesty's regular forces—

(i.) Means any such military body, whether known as a territorial regiment or by any different name, as may be from time to time declared by Royal warrant to be a corps for the purpose of this Act, and is a body formed by Her Majesty, and either consisting of associated battalions of the regular and auxiliary forces, or consisting wholly of a battalion or battalions of the regular forces, and in either case with or without the whole or any part of the permanent staff of any of the auxiliary forces not included in such military body; and

(ii.) Means the Royal Marine forces, in this Act referred to as the Royal Marines; and also

(iii.) Means the Army Service Corps, the Army Hospital Corps, and any other portion of Her Majesty's regular forces, by whatever name called, which is declared by Royal warrant to be a corps for the purposes of this Act; and also

(iv.) Means any other portion of Her Majesty's regular forces employed on any service and not attached to any corps as above defined;

(v.) and any reference in Part II. of this Act to a corps of the regular forces shall be deemed to refer to any such military body as is herein-before defined to form a corps; and

(B.) In the case of Her Majesty's auxiliary forces—

(i.) Means any such military body, whether known as a territorial regiment or by any different name, as may be from time to time declared by Royal warrant to be a corps for the purposes of this Act, and is a body formed by Her Majesty, and either consisting of associated battalions of the regular and auxiliary forces, or consisting wholly of a battalion or battalions of the auxiliary forces, and either inclusive or exclusive of the whole or any part of the permanent staff of any part of the auxiliary forces; and

(ii.) Means any other portion of Her Majesty's auxiliary forces employed in any service, and not attached to any corps as above defined:

*Definitions.*

(16.) The expression "battalion" in the application of this Act to cavalry, artillery, or engineers shall be construed to mean regiment, brigade, or other body into which Her Majesty may have been pleased to divide such cavalry, artillery or engineers:

(17.) The expression "regimental" means connected with a corps, or with any battalion or other subdivision of a corps:

(18.) The expression "military decoration" means any medal, clasp, good-conduct badge, or decoration:

(19.) The expression "military reward" means any gratuity or annuity for long service or good conduct; it also includes any good-conduct pay or pension and any other military pecuniary reward:

(20.) The expression "enemy" includes all armed mutineers, armed rebels, armed rioters, and pirates:

(21.) The expression "India" means any territories the government of which is vested in Her Majesty by or in pursuance of the Act of the session of the twenty-first and twenty-second years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act for the better government of India," and the Acts amending the same, and also any territories in India under the dominion of any native prince or princes:

(22.) The expression "native of India" means a person triable and punishable under Indian military law as defined by this Act:

(23.) The expression "colony" means for the purposes of this Act Cyprus and any part of Her Majesty's dominions, exclusive of the United Kingdom, the Channel Islands, and the Isle of Man, and India, and all territories and places being part of Her Majesty's dominions which are under one legislature shall be deemed for the purposes of this Act to constitute one colony; and where there are local legislatures as well as a central legislature the expression "legislature" means the central legislature only:

(24.) The expression "foreign country" means any place which is not situate in the United Kingdom, a colony, or India, as above defined and is not on the high seas:

(25.) The expression "beyond the seas" means out of the United Kingdom, the Channel Islands, and Isle of Man; and the expression "station beyond the seas" includes any place where any of Her Majesty's forces are serving out of the United Kingdom, the Channel Islands, and Isle of Man:

(26.) The expression "governor-general" in its application to India means the Governor-General of India in Council:

(27.) The expression "governor" as respects "the presidency of Bengal" means the Governor-General of India in Council, and as respects the presidencies of Madras and Bombay means the Governor in Council of the presidency, and in its application to a colony includes the lieutenant-governor or other officer administering the government of the colony:

(28.) The expression "oath" and "swear," and other expressions relating thereto, include affirmation or declaration, affirm or declare, and expressions relating thereto, in cases where an affirmation or declaration is by law allowed instead of an oath:

*Definitions.*

(29.) The expression "superior court," in the United Kingdom, means Her Majesty's High Court of Justice in England, the Court of Session in Scotland, and Her Majesty's High Court of Justice at Dublin:

(30.) The expression "supreme court" means, as regards India, any high court or any chief court; and the expression "court of superior jurisdiction," as regards a colony, means a court exercising in that colony the like authority as the High Court of Justice in England:

(31.) The expression "civil court" means, with respect to any crime or offence, a court of ordinary criminal jurisdiction, and includes a court of summary jurisdiction:

(32.) The expression "prescribed" means prescribed by any rules of procedure made in pursuance of this Act:

(33.) The expression "misdemeanor," as far as regards Scotland, means a crime or offence, and so far as regards India, means a crime punishable by fine and rigorous or simple imprisonment at the discretion of the court:

"Summary Jurisdiction Acts."
42 & 43 Vict. c. 49.
27 & 28 Vict. c. 53.

(34.) The expression "Summary Jurisdiction Acts"—

(*a.*) As regards England, has the same meaning as in the Summary Jurisdiction Act, 1879;

(*b.*) As regards Scotland, means the Summary Procedure Act, 1864, and any Acts amending the same; and

(*c.*) As regards Ireland, means within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district; and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act amending the same:

14 & 15 Vict. c. 93

"Court of summary jurisdiction."

(35.) The expression "court of summary jurisdiction"—

(*a.*) As regards England has the same meaning as in the Summary Jurisdiction Acts, 1879; and

(*b.*) As regards Ireland means any justice or justices of the peace, police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to; and

(*c.*) As regards Scotland, means the sheriff or sheriff substitute, or any two justices of the peace sitting in open court; or any magistrate or magistrates to whom jurisdiction is given by the Summary Procedure (Scotland) Act, 1864; and

27 & 28 Vict. c. 53.

(*d.*) As regards India, a colony, the Channel Islands and Isle of Man, means the court, justices, or magistrates who exercise jurisdiction in the like cases to those in which the Summary Jurisdiction Acts are applicable:

(36.) The expression "court of law" includes a court of summary jurisdiction.

(37.) The expression "county court judge" includes—

(*a.*) In the case of Scotland, the sheriff or sheriff substitute; and

(*b.*) In the case of Ireland, the judge of the Civil Bill Court:

(38.) The expression "constable" includes a high constable and a commissioner, inspector, or other officer of police:

*Definitions.*

(39.) The expression "police authority" means the commissioner, commissioners, justices, watch committee, or other authority having the control of a police force:

(40.) The expression "horse" includes a mule, and the provisions of this Act shall apply to any beast of whatever description, used for burden or draught or for carrying persons in like manner as if such beast were included in the expression "horse."

## PART VI.

## COMMENCEMENT AND APPLICATION OF ACT AND REPEAL.

*Commencement and duration of Act.* 44 & 45 Vict. c. 57. 42 & 43 Vict. c. 33. 44 & 45 Vict. c. 9.

**191.** (1.) This Act shall come into force in every place on the day fixed for the commencement in that place of the Regulation of the Forces Act, 1881, and shall continue in force as if a reference to this Act were substituted for the reference to the Army Discipline and Regulation Act, 1879, in the Army Discipline and Regulation (Annual) Act, 1881, and that Act shall be construed accordingly.

(2.) Any warrant, order, rule, or regulation under this Act, may be made at any time after the passing thereof, so that the same do not take effect until the commencement thereof.

(3.) Any reference in any Act, regulation, rule, order, warrant, charge, or document, to the Army Discipline and Regulation Act, 1879, or any enactment repealed by this Act shall be construed to refer to this Act and to the corresponding enactment of this Act.

*Application of Act.*

**192.** This Act, while in force, shall apply to all soldiers whether enlisted before or after the commencement of this Act, in like manner as if they were enlisted under this Act, subject as follows:

(1.) A soldier enlisted before the commencement of this Act may, when on service beyond the seas, be detained in army service after the time at which he would otherwise be entitled to be transferred to the reserve by the same authority and for the same period by and for which he may be detained under this Act while a state of war exists.

(2.) In the case of soldiers enlisted or re-engaged before the commencement of the Army Discipline and Regulation Act, 1879, who have not consented to the application to them of the provisions of Part Two of that Act, Part Two of this Act shall nevertheless, so far as is consistent with the tenor thereof, apply to such soldiers (in this section referred to as old soldiers) but subject to the exceptions provided by this section.

(3.) The following provisions, namely,—

(*a.*) The whole of section seventy-nine (which section relates to reckoning and forfeiture of service);

(*b.*) So much of section eighty-seven as allows a soldier to be detained in service otherwise than while a state of war exists or while he is on service beyond the seas;

(*c.*) So much of section eighty-eight as relates to any person continuing in army service for a period during which his service may be prolonged; and

(*d*) The whole of section eighty-nine (which section relates to the power to transfer a soldier to the reserve before the expiration of his term of army service),

shall not apply without his consent to any such old soldier.

(4) Any re-engagement entered into by a soldier at any time since the commencement of the Army Discipline and Regulation Act, 1879, shall be deemed to be a consent by him to the application to him of the above-named provisions, and any old soldier who, after the commencement of this Act, extends his army service for all or any part of the residue of the unexpired term of his original enlistment, or gives notice to his commanding officer of his desire to continue in Her Majesty's service, shall be deemed to have consented to the application to him of the above-named provisions.

(5) For the purpose of discharge or of transfer to the reserve, the service of any old soldier, to whom section seventy-nine of this Act does not apply, shall be reckoned in accordance with the enactments in accordance with which it would have been reckoned if the Army Acts, 1879 and 1881, and this Act had not passed;

Provided that such service may with the consent of the soldier and the approval of the competent military authority, as defined by Part Two of this Act be reckoned from the date of his attestation without any deduction on account of age, imprisonment, desertion, absence without leave, or otherwise, or without deduction on account of any one or more of such matters

(6.) Any old soldier shall not be liable to be detained in service, or have his service prolonged without his consent, further or otherwise than he would have been liable to if the Regulation of the Forces Act, 1881, and this Act had not passed

(7) Nothing in sub-sections four and five of section eighty-three of this Act, shall extend without his consent to any soldier who enlisted on or after the twentieth day of June one thousand eight hundred and sixty-seven, and before the ninth day of August one thousand eight hundred and seventy, and who has not re-engaged

(8) Where a man was enlisted before the commencement of this Act, nothing in this Act shall require him, without his consent, to serve in or to be appointed, transferred, posted, or attached to any military body otherwise than he might have been if this Act had not passed, or to serve for any longer period than that for which he was, before the commencement of this Act, liable to serve.

Repeal.

**193.** The Acts specified in the Fifth Schedule to this Act are hereby repealed as from the commencement of that Act to the extent in the third column of that Schedule mentioned

Provided that—

(*a*) The said repeal shall not affect anything done or suffered, or any rights or liabilities acquired or accrued before the commencement of this Act, and any proceedings for carrying into effect anything commenced or done before the commencement

of this Act may be carried on and completed as if this Act had not passed.

(*b.*) All rules, regulations, warrants, orders, and documents made or issued in pursuance or for the purposes of the Acts repealed shall continue as if made or issued in pursuance or for the purposes of this Act.

(*c.*) Where in any place before the commencement of this Act, a court-martial has been convened for the trial of an offender such trial may be carried on, and the offender may be sentenced and punished, in the same manner in all respects as if this Act had not passed

(*d.*) Subject as aforesaid, every offence committed against the Army Discipline and Regulation Act, 1879, may be tried and punished in like manner as if it had been committed against this Act; so, however, that a person shall not be subject to any greater punishment for such offence than he is subject to before the commencement of this Act.

(*e.*) Subject as aforesaid, this Act shall apply to the conviction of a person tried under any Act hereby repealed as if he had been convicted under this Act, and every sentence imposed under any Act hereby repealed may, after the commencement of this Act, be carried into effect in the same manner in all respects as if it had been imposed under this Act.

(*f.*) So much of the Army Discipline and Regulation Act, 1879, as is unrepealed, shall continue in force and be construed as if it were part of this Act.

## FIRST SCHEDULE.

*Form of Oath to be taken by a Master whose Apprentice has absconded, and of Justice's Certificate annexed.*

I *A.B.*, of do make oath, that I am by trade a and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of for the term of years; and that the said did on or about the day of abscond and quit my service without my consent; and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and .

(Signed) *A.B.*

I hereby certify that the foregoing affidavit was sworn before me at this day of one thousand eight hundred and . } Signed *C.D.*, Justice of the Peace for

*Form of Oath to be taken by a Master whose indentured Labourer in India or a Colony has absconded, and of Justice's Certificate annexed.*

I of do make oath, that was bound to me to serve as an indentured labourer by indenture dated the day of for the term of years, and that the said did on or about the day of abscond and quit my service without my consent. Witness my hand at the day of one thousand eight hundred and

(Signed) *A.B.*

I hereby certify, *&c.* [*as for apprentice*].

## SECOND SCHEDULE.

## BILLETING.

### PART I.

*Accommodation to be furnished by Keeper of Victualling House.*

A keeper of a victualling house on whom any officer, soldier, or horse is billeted—

(1.) Shall furnish the officer and soldier with lodging and attendance; and

(2.) Shall, if required by the soldier, furnish him for every day of the march and for not more than two days, if the soldier is halted at an intermediate place on the march for more than two days, and on the day of arrival at the place of final destination, with one hot meal on each day, the meal to consist of such quantities of diet and small beer as may be from time to time fixed by Her Majesty's regulations, not exceeding one pound and a quarter of meat previous to being dressed, one pound of bread, one pound of potatoes or other vegetables, and two pints of small beer, and vinegar, salt, and pepper; and

(3.) When the soldier is not so entitled to be furnished with a hot meal, shall furnish the soldier with candles, vinegar, and salt, and allow him the use of fire, and the necessary utensils for dressing and eating his meat; and

(4.) Shall furnish stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw on every day for each horse.

### PART II.

*Regulations as to Billets.*

(1.) When the troops are on the march the billets given shall, except in case of necessity or of an order of a justice of the peace, be upon victualling houses in or within one mile from the place mentioned in the route:

(2.) Care shall always be taken that the billets be made out to the less distant victualling houses in which suitable accommodation can be found before billets are made out for the more distant victualling houses:

(3.) Except in case of necessity, where horses are billeted each man and his horse shall be billeted on the same victualling house:

(4.) Except in case of necessity, one soldier at least shall be billeted where there are one or two horses, and two soldiers at least where there are four horses, and so in proportion for a greater number:

(5.) Except in case of necessity a soldier and his horse shall not be billeted at a greater distance from each other than one hundred yards:

(6.) When any soldiers with their horses are billeted upon the keeper of a victualling house who has no stables, on the written requisition of the commanding officer present the constable shall billet the soldiers and their horses, or the horses only, on the keeper of some other victualling house who has stables, and a court of summary jurisdiction upon complaint by the keeper of the last-mentioned victualling house may order a proper allowance to be paid to him by the keeper of the victualling house relieved:

(7.) An officer demanding billets may allot the billets among the soldiers under his command and their horses as he thinks most expedient for the public service, and may from time to time vary such allotment:

(8.) The commanding officer may, where it is practicable, require that not less than two men shall be billeted in one house.

# THIRD SCHEDULE.

## IMPRESSMENT OF CARRIAGES.

### TABLE OF RATES OF PAYMENT FOR CARRIAGES AND ANIMALS.

| Carriages and Animals. | Rate per Mile. |
|---|---|
| *In Great Britain.* | |
| A waggon with four or more horses, or a wain with six oxen, or four oxen, and two horses. | One shilling. |
| A waggon with narrow wheels, or a cart with four horses, carrying not less than fifteen hundredweight. | Ninepence. |
| Any other cart or carriage, with less than four horses, and not carrying fifteen hundredweight. | Sixpence. |
| *In Ireland.* | |
| For every hundredweight loaded on any wheeled vehicle | One halfpenny. |

The mileage when reckoned for the purposes of payment shall include the distance from home to the place of starting, and the distance home from the place of discharge.

### REGULATIONS AS TO CARRIAGES AND ANIMALS.

(1.) Where the whole distance for which a carriage is furnished is under one mile the payment shall be for a full mile.

(2.) In Ireland, the minimum sum payable for a car shall be threepence, and for a dray, sixpence per mile.

(3.) In Great Britain, when the day's march exceeds fifteen miles, the justice granting his warrant may fix a further reasonable compensation for every mile travelled not exceeding, in respect of each mile, the rate of hire authorised to be charged by this Act; when any such additional compensation is granted, the justice shall insert in his own hand in the warrant the amount thereof.

(4.) In Ireland the payment shall be at the same rate for each hundredweight in excess of the amount which the carriage is liable under this schedule to carry.

(5.) A carriage shall not be required to travel more than twenty-five miles.

(6.) A carriage shall not, except in case of pressing emergency, be required to travel more than one day's march prescribed in the route.

(7.) In Great Britain a carriage shall not be required to carry more than thirty hundredweight

(8.) In Ireland a carriage shall not be required to carry, if a car, more than six hundredweight, and if a dray more than twelve hundredweight.

(9.) The load for each carriage shall, if required, at the expense of the owner of the carriage, and if the same can be done within a reasonable time without hindrance to Her Majesty's service, be weighed before it is placed in the carriage.

## FOURTH SCHEDULE.

### FORM OF DESCRIPTIVE RETURN.

DESCRIPTIVE RETURN of who* at on the day of , and was committed to confinement at on the day of as a deserter [*or* absentee without leave] from the Bn. of the Regiment of

After the word "who," to be inserted either the words "was apprehended," or "surrendered himself," as the case may be

| | |
|---|---|
| Age | |
| Height | Feet. Inches. |
| Complexion | |
| Hair | |
| Eyes | |
| Marks | |
| In uniform or plain clothes | |
| Probable date and place of attestation | |
| Probable date of desertion or beginning of absence, and from what place. | |
| Name, occupation, and address of the person by whom or through whose means the deserter [*or* absentee without leave] was apprehended and secured.† | |
| Particulars in the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner and upon what grounds. The fullest possible details to be given. | |

I do hereby certify, that the prisoner has been duly examined before me as to the circumstances herein stated, and has declared in my presence that he‡

the before-mentioned corps, and I recommend § for a reward of *s.*

_____ *Signature* } *of committing magistrate.*
_____ *Residence* }
_____ *Post Town* }
_____ *Signature of prisoner.*
_____ *Signature of informant.*

Or where the prisoner confessed, and evidence of the truth or falsehood of such confession is not then forthcoming

I hereby certify that the above-named prisoner confessed to the circumstances above stated, but that evidence of the truth or falsehood of such confession is not forthcoming, and that the case was adjourned until the day of for the purpose of obtaining such evidence from a Secretary of State.

_____ *Signature.*
_____ *Residence.*
_____ *Post Town.*

† It is important for the public service, and for the interest of the deserter or absentee without leave, that this part of the return should be accurately filled up, and the details should be inserted by the justice in his own handwriting, or, under his direction, by his clerk.

‡ Insert *is* or *is not a deserter* or *absentee without leave*, from or belongs or does not belong to, as the case may be

§ The justice will insert the name of the person to whom the reward is due, and the amount [5*s.*, 10*s*, 15*s.*, or 20*s.*] which, in his opinion, should be granted in this particular case.

## FIFTH SCHEDULE.

ACTS REPEALED.

| Section and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 47 Geo. 3. sess. 2. c. 25. | An Act for the more convenient payment of half pay and pensions and other allowances to officers and widows of officers, and the persons upon the Compassionate List. | So much as is unrepealed. |
| 42 & 43 Vict. c. 32. | The Army Discipline and Regulation (Commencement) Act, 1879. | Section three, section seven, section eight, and the schedule. |
| 42 & 43 Vict. c. 33. | The Army Discipline and Regulation Act, 1879. | The whole Act, with the exception of section one hundred and seventy-seven. |
| 44 & 45 Vict. c. 9. | The Army Discipline and Regulation (Annual) Act, 1881. | Sections four to seven, both inclusive. |
| 44 & 45 Vict. c. 57. | The Regulation of the Forces Act, 1881. | Part II., with the exception of so much of sections thirty-eight and thirty-nine as relates to the auxiliary forces, and of section forty-five. In Part III. section fifty. |

# CHAPTER 59.

An Act for promoting the revision of the Statute Law by repealing various enactments chiefly relating to Civil Procedure or matters connected therewith, and for amending in some respects the law relating to Civil Procedure. [27th August 1881.]

WHEREAS with a view to the revision of the statute law it is expedient that various enactments (mentioned in the schedule to this Act) which chiefly relate to civil procedure or matters connected therewith, and which may be regarded as spent, or have ceased to be in force otherwise than by express and specific repeal by Parliament, or have, by lapse of time and change of circumstances, become unnecessary, or the subject-matter whereof is provided for by or under the Supreme Court of Judicature Act, 1873, and the Acts amending it, or for other reasons may properly be repealed, be now expressly and specifically repealed: 36 & 37 Vict. c. 66.

And whereas it is expedient that in some respects the law relating to civil procedure be amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Statute Law Revision and Civil Procedure Act, 1881. Short title.

Extent.

**2.** This Act does not extend to Scotland or Ireland.

Repeal of enactments in schedule.

**3.** The enactments described in the schedule to this Act are hereby repealed, subject to the exceptions and qualifications mentioned in this Act and in that schedule.

Savings as to repealed enactments.

**4.** The repeal effected by this Act shall not affect—

(*a.*) Anything done or suffered before the passing of this Act under any enactment repealed by this Act; or

(*b.*) Any jurisdiction or principle or rule of law or equity established or confirmed, or right or privilege acquired, or duty or liability imposed or incurred, or compensation secured by or under any enactment repealed by this Act; or

(*c.*) In particular, any power to issue commissions of assize, oyer and terminer, or gaol delivery, or other like commissions, or any jurisdiction or power under or incidental to any such commission, or any jurisdiction or power of the Supreme Court of Judicature in England, or of any judge thereof, or

(*d.*) Any right to any hereditary revenues of the Crown, or any charges thereon; or

(*e.*) The right of any existing officer or person to any salary, stipend, emolument, or pension; or

(*f.*) The repeal, confirmation, revival, or perpetuation by any enactment repealed by this Act of any enactment not repealed by this Act; or

(*g.*) The application or incorporation of any enactment repealed by this Act by or under any enactment not repealed by this Act; or

(*h.*) The extension to any court by Order in Council of any enactment repealed by this Act.

Abolished procedure, &c. not revived.

**5.** This Act shall not be deemed to revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, right, title, privilege, restriction, exemption, usage, practice, procedure, or other matter or thing not existing or in force at the passing of this Act.

Extension of powers in Judicature Acts to make rules of court. 38 & 39 Vict. c. 77.

**6.** The enactments relating to the making of rules of court contained in the Supreme Court of Judicature Act, 1875, and the Acts amending it, shall extend and apply to all matters with respect to which rules of procedure or general orders might have been made under any enactment repealed by this Act, and to all proceedings by or against the Crown.

## SCHEDULE.

### ENACTMENTS REPEALED.

This Schedule is to be read as referring to the Revised Edition of the Statutes prepared under the direction of the Statute Law Committee, in all cases of statutes included in that edition.

The chapters of the statutes (before the division into separate Acts) are described by the marginal abstracts given in that edition.

The repeal by the present Act of a part of a statute set out or referred to in terms of the translation given in that edition is to operate on the original Latin or Norman French, of which the translation is set out or referred to, as if the original itself were in like manner set out or referred to.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or forming the end of the portion comprised in the description or citation.

| | |
|---|---|
| 20 Hen. 3. c. 1. - | The Provisions of Merton. Chapter one. Damages to widows on a writ of dower. |
| 52 Hen. 3. c. 3. - | The Statute of Marlborough. Chapter three. Of resisting the King's officers in replevins. Distresses for services not due. |
| 52 Hen. 3. c. 5. - | The Statute of Marlborough. Chapter five. Confirmation of the Great Charter. Charter of the Forest. |
| 52 Hen. 3. c. 9. - | The Statute of Marlborough. Chapter nine. Who shall do suits of Court. Suits of Court by parceners, &c. The tenant's remedy against the lord, distraining for suits not due. The lord's remedy against the tenants, withholding their due suits. |
| 52 Hen. 3. c. 10. - | The Statute of Marlborough. Chapter ten. Exemptions from attending the sheriffs turns. |
| 52 Hen. 3. c. 21. - | The Statute of Marlborough. Chapter twenty-one. Sheriff, upon plaint, shall make replevins. |
| 52 Hen. 3. c. 23. - in part. | The Statute of Marlborough. Chapter twenty-three. Remedy against accountants. Farmers shall do no waste. Remedy thereon.<br>in part; namely,—<br>from "and it is provided" to "make their account." |
| 3 Edw. 1. c. 19. - | The Statutes of Westminster; the First. Sheriffs, &c. receiving the King's debts shall acquit the debtor. Penalty. Tallies of payment. Shewing of summons. |
| 13 Edw. 1. c. 2. - | The Statutes of Westminster; the Second. Chapter two. Mischiefs to lords distraining their tenants by replevins. A recordare to remove the plaint out of the county courts. Pledges to prosecute a replevin. Replevin of distress after judgement for return. Writ of second deliverance. Distress irrepleviable. |
| 13 Edw. 1. c. 30. - | The Statutes of Westminster; the Second. Chapter thirty. Assignment of justices of nisi prius. Adjournment of assises. Inquisitions of trespass, &c. may be determined before justices of nisi prius. The writ of nisi prius. Proceedings after verdict. Assises of darrein presentment and quare impedit shall be ended in their proper counties. Justices shall have their own clerks. Special verdicts. None shall be put in juries unless summoned. |
| 13 Edw. 1. c. 31. - | The Statutes of Westminster; the Second. Chapter thirty-one. Proceedings on bills of exceptions. |
| 21 Edw. 1. - - | Statute of the Justices of Assise. |
| 27 Edw. 1. - - | The Statute of Fines levied. |
| 28 Edw. 1. c. 16. - | Articles upon the Charters. Chapter sixteen. False returns. |
| 9 Edw. 2. stat. 2. - in part. | The Statute of Sheriffs.<br>in part; namely,—<br>from "and that the execution of writs" to end of Statute. |
| 12 Edw. 2. - - | The Statute of York. |
| Statutes of uncertain date. | The Statutes of the Exchequer, from "And the treasurer and barons" to "the King's own debt." |
| 1 Edw. 3. stat. 1. - | Statute the First. |
| 2 Edw. 3. c. 2. - - | Statute made at Northampton. Chapter two. Pardons for felony. Justices of assise and gaol delivery. Oyers and terminers. |
| 4 Edw. 3. - - - in part. | Statute made at Westminster:<br>Except chapter seven. |
| 14 Edw. 3. stat. 1. c. 16. | Statute the First. Chapter sixteen. Nisi prius may be granted before a justice of Common Pleas in a suit in King's Bench. Nisi prius may be granted before a justice of King's Bench in a suit in Common Pleas; or before the Chief Baron of Exchequer if a man of the law; or before justices of assise, and King's serjeants. Justices of nisi prius may give judgement in quare impedit and darrain presentment. |
| 18 Edw. 3. stat. 3. c. 5. | Statute the Third. Chapter five. Prohibitions. |
| 20 Edw. 3. - - | Ordinance for the Justices. |
| 8 Ric. 2. - - - | Statute made at Westminster in the Eighth Year. |
| 11 Ric. 2. - - - | The Statute made at Westminster in the Eleventh year. |

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|---|---|
| 12 Ric. 2. c. 10. - in part. | Statute made at Cambridge in the Twelfth year. Chapter ten. Six justices of the peace in each county; Quarterly sessions, &c. Wages of justices and their clerk. No steward, &c. shall be assigned. Judges, &c., need not attend the sessions regularly; in part; namely,— the words, "and that no steward of any lord shall be assigned " in any of the said Commissions." |
| 13 Ric. 2. stat. 1. - in part. | Statute of the Thirteenth Year: Except chapter one. |
| 7 Hen. 4. c. 3. - - | Statute of the Seventh Year. Chapter three. The rolls of estreats of issues, fines, &c., shall contain particulars of the cause of forfeiture, &c. The Statute 42 Edw. 3. c. 9., touching gathering of Green Wax, confirmed. |
| 34 & 35 Hen. 8. c. 26 - in part. | An Act for certain Ordinances in the King's Dominions and Principality of Wales. in part; namely,— Sections five to twenty-two, twenty-nine to fifty-two, seventy-three to seventy-seven, seventy-nine, eighty-three, eighty-eight, eighty-nine, ninety-six, ninety-nine, one hundred and three, one hundred and thirteen, one hundred and fourteen, and one hundred and fifteen. |
| 23 Eliz. c. 3. - - | An Act for the reformation of errors in fines and recoveries. |
| 17 Chas. 2. c. 7. - | An Act for a more speedy and effectuall proceeding upon distresses and avowryes for rents |
| 29 Chas. 2. c. 3. - in part. | An Act for Prevention of Frauds and Perjuryes; in part; namely,— Section ten, to "execution shall be sued," and Section seventeen. |
| 12 & 13 Will. 3. c. 2. in part. | An Act for the further Limitation of the Crown, and better securing the rights and liberties of the Subject; in part; namely,— Section three, from "That after the said limitation shall take " effect as aforesaid, judges commissions" to "remove them." |
| 9 Anne c. 25. - - in part. | *An Act the title whereof begins with the words,* — "An Act for rendering"—*and ends with the words*—"in corporations and boroughs"; in part; namely,— Section seven. |
| 5 Geo. 2. c. 27. - - | An Act to explain, amend, and render more effectual an Act made in the twelfth year of the reign of His late Majesty King George the First [intituled an Act to prevent frivolous and vexatious Arrests]. |
| 11 Geo. 2. c. 19. - in part. | An Act for the more effectual securing the payment of Rents and preventing Frauds by Tenants; in part; namely,— Section twenty-three. |
| 12 Geo. 2. c. 27. - | *An Act the title whereof begins with the words,*—An Act for explaining and amending,—*and ends with the words,*—Justice of Assize in his own country, &c. |
| 43 Geo. 3. c. 161. - in part. | *An Act the title whereof begins with the words,*—An Act for repealing, —*and ends with the words,*—on Commission; in part; namely,— Section ten, from "and where any such dwelling-house" to end of section. |
| 52 Geo. 3. c. 101. - in part. | An Act to provide a summary remedy in cases of abuses of trusts created for charitable purposes; in part; namely,— Section one, from "and such order shall be final and con- " clusive unless" to end of section. |
| 1 Will. 4. c. 7. - - in part. | *An Act the title whereof begins with the words,*—An Act for the more speedy judgment,—*and ends with the words,*—in cases of bankruptcy; in part; namely,— Sections four, eight, and nine. |

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| 1 Will. 4. c. 21. in part. | An Act to improve the proceedings in Prohibition and on Writs of Mandamus; in part; namely,— Section six. |
| 2 & 3 Will. 4. c. 33. in part. | An Act to effectuate the service of process issuing from the Courts of Chancery and Exchequer in England and Ireland respectively; in part; namely,— Section one, and the words "of England and," "England or," and "respectively" in Section three. |
| 3 & 4 Will. 4. c. 42. in part. | An Act for the further amendment of the Law and the better advancement of Justice; in part; namely,— Sections twenty-three, twenty-four, and twenty-five, except as far as those sections may be in force as regards any court other than the Supreme Court of Judicature in England. |
| 5 Vict. c. 5. in part. | An Act to make further provisions for the administration of Justice; in part; namely,— In section five the words "in the form set out in the first schedule to this Act," section six, and the first schedule. |
| 5 & 6 Vict. c. 54. in part. | *An Act the title whereof begins with the words*,—An Act to amend,— *and ends with the words*,—time to be limited; in part; namely,— Section eighteen. |
| 6 & 7 Vict. c. 67. in part. | An Act to enable parties to sue out and prosecute Writs of Error in certain cases upon the proceedings on Writs of Mandamus; in part; namely,— Section one, from "and it shall be lawful," to end of section, and section two. |
| 12 & 13 Vict. c. 96. in part. | The Admiralty Offences Colonial Act, 1849; in part; namely,— Section five, from "and the word 'governor'" to end of section. |
| 13 & 14 Vict. c. 35. in part. | An Act to diminish the delay and expense of proceedings in the High Court of Chancery in England: Except sections nineteen to twenty-five. |
| 15 & 16 Vict. c. 80. in part. | An Act to abolish the office of Master in Ordinary of the High Court of Chancery, and to make provision for the more speedy and efficient despatch of business in the said Court; in part; namely,— In section fifteen the words "and enrolled," section twenty-one from "but subject," and sections fifty-three and fifty-six. |
| 15 & 16 Vict. c. 86. in part. | An Act to amend the practice and course of proceeding in the High Court of Chancery; in part; namely,— Sections one to ten, twelve to twenty-one, twenty-six to thirty, thirty-six, thirty-seven, forty-nine, fifty-one, fifty-two, and fifty-three, fifty-eight to sixty-two, and schedule. |
| 15 & 16 Vict. c. 87. in part. | An Act for the relief of the suitors of the High Court of Chancery; in part; namely,— Section five. |
| 17 & 18 Vict. c. 78. in part. | An Act to appoint persons to administer oaths, and to substitute stamps in lieu of fees, and for other purposes, in the High Court of Admiralty of England; in part; namely,— Section five. |
| 17 & 18 Vict. c. 82. in part. | An Act further to improve the administration of justice in the Court of Chancery of the County Palatine of Lancaster; in part; namely,— Sections two to five. |
| 18 & 19 Vict. c. 45. | An Act for further assimilating the practice in the County Palatine of Lancaster to that of other counties with respect to the trial of issues from the Superior Courts at Westminster. |

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| 18 & 19 Vict. c. 90. - in part. | *An Act the title whereof begins with the words*, "An Act for the payment of costs," *and ends with the words*, "Court of Exchequer;" in part; namely,— In section three the words "for the Barons of Her Majesty's Court of Exchequer in England, or any three of them, and also." |
| 19 & 20 Vict. c. 86. - | An Act to abolish the office of Cursitor Baron of the Exchequer. |
| 19 & 20 Vict. c. 113. - in part. | An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before foreign tribunals; in part; namely,— Section six, from "Provided" to the end of the section. |
| 20 & 21 Vict. c. 77. - in part. | An Act to amend the law relating to probates and letters of administration in England; in part; namely,— Sections five, six, nine, twelve, twenty-five, forty, forty-one, and forty-five. |
| 21 & 22 Vict. c. 27. - in part. | An Act to amend the course of procedure in the High Court of Chancery, the Court of Chancery in Ireland, and the Court of Chancery of the County Palatine of Lancaster; in part; namely,— Sections three, four, six, and seven. |
| 21 & 22 Vict. c. 95. - in part. | An Act to amend the Act of the twentieth and twenty-first Victoria, chapter seventy-seven; in part; namely,— Sections one and two, section six from "and from and after," to end of section, section thirty-six, and Schedule. |
| 22 & 23 Vict. c. 6. - | An Act to enable Serjeants, Barristers-at-Law, Attorneys, and Solicitors to practise in the High Court of Admiralty. |
| 22 & 23 Vict. c. 21. - in part. | An Act to regulate the office of Queen's Remembrancer, and to amend the practice and procedure on the Revenue side of the Court of Exchequer; in part; namely,— Sections nine, ten, eleven, eighteen, nineteen, twenty, twenty-two, twenty-six, and twenty-seven. |
| 22 & 23 Vict. c. 59. - in part. | Railway Companies Arbitration Act, 1859; in part; namely,— In section twenty-six the words, "and where requisite frame for the purpose." |
| 23 & 24 Vict. c. 34. - in part. | The Petitions of Right Act, 1860; in part; namely,— Section fifteen. |
| 23 & 24 Vict. c. 51. - | An Act to amend an Act for abolishing certain offices on the Crown side of the Court of Queen's Bench, and for regulating the Crown Office. |
| 23 & 24 Vict. c. 127. - in part. | An Act to amend the laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers; in part; namely,— Section twenty-five. |
| 24 & 25 Vict. c. 10. - in part. | The Admiralty Court Act, 1861; in part; namely,— Sections fourteen, fifteen, seventeen, nineteen, twenty, twenty-two, and thirty-two. |
| 25 & 26 Vict. c. 42. - in part. | The Chancery Regulation Act, 1862; Except as far as it may be in force with respect to the Court of Chancery of the County Palatine of Lancaster. |
| 25 & 26 Vict. c. 67 - in part | The Declaration of Title Act, 1862, in part; namely,— Sections forty and forty-one, section forty-two, from "and every such" to end of section, and the words "all general rules and orders made as aforesaid including" in section forty-three |

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|---|---|
| 25 & 26 Vict. c. 89. - | The Companies Act, 1862;<br>in part; namely,—<br>In section thirty-five, the words "if a court of common law," and the words "and a writ of error or appeal in the manner "directed by 'The Common Law Procedure Act, 1854,' shall "lie";<br>Section one hundred and seventy. |
| 26 & 27 Vict. c. 122. - in part. | An Act to enable Her Majesty in Council to make alterations in the Circuits of the Judges;<br>in part; namely,—<br>Section three. |
| 28 & 29 Vict. c. 104. - in part. | The Crown Suits, &c. Act, 1865;<br>in part; namely,<br>Sections twenty-six, twenty-eight, and thirty, section fifty-eight, from "and on such judgment" to end of section, sections sixty and sixty-two, and section sixty-three from "but general rules" to end of section. |
| 30 & 31 Vict. c. 64. - | An Act to make further provision for the dispatch of Business in the Court of Appeal in Chancery. |
| 30 & 31 Vict. c. 68. - | An Act to provide for the better despatch of Business in the Chambers of the Judges of the Superior Courts of Common Law. |
| 30 & 31 Vict. c. 87. - in part. | The Court of Chancery (Officers) Act, 1867;<br>in part; namely,—<br>Sections four and five. |
| 30 & 31 Vict. c. 131. - in part. | The Companies Act, 1867;<br>in part; namely,—<br>In section twenty, the words "one hundred and seventieth." |
| 31 & 32 Vict. c. 11. - | An Act to amend an Act to make further provision for the despatch of Business in the Court of Appeal in Chancery. |
| 31 & 32 Vict. c. 40. - in part. | The Partition Act, 1868;<br>in part; namely,—<br>Section eleven. |
| 31 & 32 Vict. c. 54. - in part. | The Judgments Extension Act, 1868;<br>in part; namely,—<br>In section seven, the words "Westminster and," and "England and," and the word "respectively" wherever it occurs. |
| 33 & 34 Vict. c. 6. - | An Act to extend the jurisdiction of the Judges of the Superior Courts of Common Law at Westminster. |
| 39 & 40 Vict. c. 66. - | The Legal Practitioners Act, 1876. |
| 43 & 44 Vict. c. 19. - in part. | The Taxes Management Act, 1880;<br>in part; namely,—<br>In section fifty-nine, subsection (2) (*b.*), the words "and all "such orders shall be final and conclusive on all parties;" in subsection (2) (*d.*) of the same section, the words "of "the High Court" after the word "orders;" subsection (2) (*e.*) of the same section; and in subsection (4) of the same section the words "therein referred to."<br>In the third schedule, containing enactments repealed, in the entry of 43 Geo. 3. c. 161., the word "sixty;" which section sixty is hereby revived, as from its repeal in that schedule, to the extent to which it was in force at that repeal. |

# CHAPTER 60.

## An Act to amend the Law of Newspaper Libel, and to provide for the Registration of Newspaper Proprietors.

[27th August 1881.]

WHEREAS it is expedient to amend the law affecting civil actions and criminal prosecutions for newspaper libel:

And whereas it is also expedient to provide for the registration of newspaper proprietors:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation.

**1.** In the construction of this Act, unless there is anything in the subject or context repugnant thereto, the several words and phrases herein-after mentioned shall have and include the meanings following; (that is to say,)

The word "registrar" shall mean in England the registrar for the time being of joint stock companies, or such person as the Board of Trade may for the time being authorise in that behalf, and in Ireland the assistant registrar for the time being of joint stock companies for Ireland, or such person as the Board of Trade may for the time being authorise in that behalf.

The phrase "registry office" shall mean the principal office for the time being of the registrar in England or Ireland, as the case may be, or such other office as the Board of Trade may from time to time appoint.

The word "newspaper" shall mean any paper containing public news, intelligence, or occurrences, or any remarks or observations therein printed for sale, and published in England or Ireland periodically, or in parts or numbers at intervals not exceeding twenty-six days between the publication of any two such papers, parts, or numbers.

Also any paper printed in order to be dispersed, and made public weekly or oftener, or at intervals not exceeding twenty-six days, containing only or principally advertisements.

The word "occupation" when applied to any person shall mean his trade or following, and if none, then his rank or usual title, as esquire, gentleman.

The phrase "place of residence" shall include the street, square, or place where the person to whom it refers shall reside, and the number (if any) or other designation of the house in which he shall so reside.

The word "proprietor" shall mean and include as well the sole proprietor of any newspaper, as also in the case of a divided proprietorship the persons who, as partners or otherwise, represent and are responsible for any share or interest in the newspaper as between themselves and the persons in like manner representing or responsible for the other shares or interests therein, and no other person.

Newspaper reports of certain meetings privileged.

**2.** Any report published in any newspaper of the proceedings of a public meeting shall be privileged, if such meeting was lawfully convened for a lawful purpose and open to the public, and if such report was fair and accurate, and published without malice, and if the publication of the matter complained of was for the public benefit; provided always, that the protection intended to be afforded by this section shall not be available as a defence in any proceeding, if the plaintiff or prosecutor can show that the defendant has refused to insert in the newspaper in which the report containing the matter complained of appeared a reasonable letter or statement of explanation or contradiction by or on behalf of such plaintiff or prosecutor.

No prosecution for newspaper libel without fiat of Attorney General.

**3.** No criminal prosecution shall be commenced against any proprietor, publisher, editor, or any person responsible for the publication of a newspaper for any libel published therein, without the written fiat or allowance of the Director of Public Prosecutions in England or Her Majesty's Attorney General in Ireland being first had and obtained.

Inquiry by court of summary jurisdiction as to libel being for public benefit or being true.

**4.** A court of summary jurisdiction, upon the hearing of a charge against a proprietor, publisher, or editor, or any person responsible for the publication of a newspaper, for a libel published therein, may receive evidence as to the publication being for the public benefit, and as to the matters charged in the libel being true, and as to the report being fair and accurate, and published without malice, and as to any matter which under this or any other Act, or otherwise, might be given in evidence by way of defence by the person charged on his trial on indictment, and the court, if of opinion after hearing such evidence that there is a strong or probable presumption that the jury on the trial would acquit the person charged, may dismiss the case.

Provision as to summary conviction for libel.

**5.** If a court of summary jurisdiction upon the hearing of a charge against a proprietor, publisher, editor, or any person responsible for the publication of a newspaper for a libel published therein is of opinion that though the person charged is shown to have been guilty the libel was of a trivial character, and that the offence may be adequately punished by virtue of the powers of this section, the court shall cause the charge to be reduced into writing and read to the person charged, and then address a question to him to the following effect: "Do you desire to be tried by a jury or do you consent to the case being dealt with summarily?" and, if such person assents to the case being dealt with summarily, the court may summarily convict him and adjudge him to pay a fine not exceeding fifty pounds.

42 & 43 Vict. c. 49.

Section twenty-seven of the Summary Jurisdiction Act, 1879, shall, so far as is consistent with the tenor thereof, apply to every such proceeding as if it were herein enacted and extended to Ireland, and as if the Summary Jurisdiction Acts were therein referred to instead of the Summary Jurisdiction Act, 1848.

11 & 12 Vict. c. 43.

22 & 23 Vict. c. 17. made applicable to this Act.

**6.** Every libel or alleged libel, and every offence under this Act, shall be deemed to be an offence within and subject to the provisions of the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter seventeen, intituled "An Act to prevent vexatious indictments for certain misdemeanors."

Board of Trade may authorise registration of the names of only a portion of the proprietors of a newspaper.

**7.** Where, in the opinion of the Board of Trade, inconvenience would arise or be caused in any case from the registry of the names of all the proprietors of the newspaper (either owing to minority, coverture, absence from the United Kingdom, minute subdivision of shares, or other special circumstances), it shall be lawful for the Board of Trade to authorise the registration of such newspaper in the name or names of some one or more responsible "representative proprietors."

Register of newspaper proprietors to be established.

**8.** A register of the proprietors of newspapers as defined by this Act shall be established under the superintendence of the registrar.

Annual returns to be made.

**9.** It shall be the duty of the printers and publishers for the time being of every newspaper to make or cause to be made to the Regis-

try Office on or before the thirty-first of July one thousand eight hundred and eighty-one, and thereafter annually in the month of July in every year, a return of the following particulars according to the Schedule A. hereunto annexed; that is to say,

(*a.*) The title of a newspaper:

(*b.*) The names of all the proprietors of such newspaper together with their respective occupations, places of business (if any), and places of residence.

Penalty for omission to make annual returns.

**10.** If within the further period of one month after the time herein-before appointed for the making of any return as to any newspaper such return be not made, then each printer and publisher of such newspaper shall, on conviction thereof, be liable to a penalty not exceeding twenty-five pounds, and also to be directed by a summary order to make a return within a specified time.

Power to party to make return.

**11.** Any party to a transfer or transmission of or dealing with any share of or interest in any newspaper whereby any person ceases to be a proprietor or any new proprietor is introduced may at any time make or cause to be made to the Registry Office a return according to the Schedule B. hereunto annexed and containing the particulars therein set forth.

Penalty for wilful misrepresentation in or omission from return

**12.** If any person shall knowingly and wilfully make or cause to be made any return by this Act required or permitted to be made in which shall be inserted or set forth the name of any person as a proprietor of a newspaper who shall not be a proprietor thereof, or in which there shall be any misrepresentation, or from which there shall be any omission in respect of any of the particulars by this Act required to be contained therein whereby such return shall be misleading, or if any proprietor of a newspaper shall knowingly and wilfully permit any such return to be made which shall be misleading as to any of the particulars with reference to his own name, occupation, place of business (if any), or place of residence, then and in every such case every such offender being convicted thereof shall be liable to a penalty not exceeding one hundred pounds.

Registrar to enter returns in register.

**13.** It shall be the duty of the registrar and he is hereby required forthwith to register every return made in conformity with the provisions of this Act in a book to be kept for that purpose at the Registry Office and called "the register of newspaper proprietors," and all persons shall be at liberty to search and inspect the said book from time to time during the hours of business at the Registry Office, and any person may require a copy of any entry in or an extract from the book to be certified by the registrar or his deputy for the time being or under the official seal of the registrar.

Fees payable for registrar's services.

**14.** There shall be paid in respect of the receipt and entry of returns made in conformity with the provisions of this Act, and for the inspection of the register of newspaper proprietors, and for certified copies of any entry therein, and in respect of any other services to be performed by the registrar, such fees (if any) as the Board of Trade with the approval of the Treasury may direct and as they shall deem requisite to defray as well the additional expenses of the Registry Office caused by the provisions of this Act, as also the further remunerations and salaries (if any) of the registrar, and of any other persons employed under him in the execution of this Act, and such fees shall be dealt with as the Treasury may direct.

**15.** Every copy of an entry in or extract from the register of newspaper proprietors, purporting to be certified by the registrar or his deputy for the time being, or under the official seal of the registrar, shall be received as conclusive evidence of the contents of the said register of newspaper proprietors, so far as the same appear in such copy or extract without proof of the signature thereto or of the seal of office affixed thereto, and every such certified copy or extract shall in all proceedings, civil or criminal, be accepted as sufficient primâ facie evidence of all the matters and things thereby appearing, unless and until the contrary thereof be shown. Copies of entries in and extracts from register to be evidence.

**16.** All penalties under this Act may be recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts. Recovery of penalties and enforcement of orders.

Summary orders under this Act may be made by a court of summary jurisdiction, and enforced in manner provided by section thirty-four of the Summary Jurisdiction Act, 1879; and, for the purposes of this Act, that section shall be deemed to apply to Ireland in the same manner as if it were re-enacted in this Act.

**17.** The expression "a court of summary jurisdiction" has in England the meanings assigned to it by the Summary Jurisdiction Act, 1879; and in Ireland means any justice or justices of the peace, stipendiary or other magistrate or magistrates, having jurisdiction under the Summary Jurisdiction Acts. Definitions.

The expression "Summary Jurisdiction Acts" has as regards England the meanings assigned to it by the Summary Jurisdiction Act, 1879; and as regards Ireland, means within the police district of Dublin metropolis the Acts regulating the powers and duties of justices of the peace for such district, or of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same. 14 & 15 Vict. c. 93.

**18.** The provisions as to the registration of newspaper proprietors contained in this Act shall not apply to the case of any newspaper which belongs to a joint stock company duly incorporated under and subject to the provisions of the Companies Acts, 1862 to 1879. Provisions as to registration of newspaper proprietors not to apply to newspaper belonging to a joint stock company. 25 & 26 Vict. c. 89. &c.

**19.** This Act shall not extend to Scotland. Act not to extend to Scotland.

**20.** This Act may for all purposes be cited as the Newspaper Libel and Registration Act, 1881. Short title.

## The SCHEDULES to which this Act refers.

### SCHEDULE A.

RETURN made pursuant to the Newspaper Libel and Registration Act, 1881.

| Title of the Newspaper | Names of the Proprietors | Occupations of the Proprietors. | Places of business (if any) of the Proprietors. | Places of Residence of the Proprietors. |
|---|---|---|---|---|
| | | | | |

## SCHEDULE B.

RETURN made pursuant to the Newspaper Libel and Registration Act, 1881.

| Title of Newspaper. | Names of Persons who cease to be Proprietors. | Names of Persons who become Proprietors | Occupation of new Proprietors. | Places of business (if any) of new Proprietors | Places of Residence of new Proprietors. |
|---|---|---|---|---|---|
| | | | | | |

# CHAPTER 61.

An Act to prohibit the Sale of Intoxicating Liquors on Sunday in Wales. [27th August 1881.]

WHEREAS the provisions in force against the sale of fermented and distilled liquors during certain hours of Sunday have been found to be attended with great public benefits, and it is expedient and the people of Wales are desirous that in the principality of Wales those provisions be extended to the other hours of Sunday.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Premises where intoxicating liquors sold to be closed on Sundays in Wales

**1.** In the principality of Wales all premises in which intoxicating liquors are sold or exposed for sale by retail shall be closed during the whole of Sunday.

Application of Licensing Acts 35 & 36 Vict. c. 94 37 & 38 Vict. c. 49.

**2.** The Licensing Acts, 1872–1874, shall apply in the case of any premises closed under this Act as if they had been closed under those Acts.

Commencement of Act

**3.** This Act shall commence and come into operation with respect to each division or place in Wales on the day next appointed for the holding of the general annual licensing meeting for that division or place.

Sale of intoxicating liquors at railway stations.

**4.** Nothing in this Act contained shall preclude the sale at any time at a railway station of intoxicating liquors to persons arriving at or departing from such station by railway.

Short title

**5.** This Act may be cited as the Sunday Closing (Wales) Act, 1881.

# CHAPTER 62.

An Act to amend the Law relating to Veterinary Surgeons.

[27th August 1881.]

WHEREAS it is expedient that provision be made to enable persons requiring the aid of a veterinary surgeon for the cure or prevention of diseases in or injuries to horses and other animals, to distinguish between qualified and unqualified practitioners:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the Veterinary Surgeons Act, 1881. Short title.

**2.** In this Act— Interpretation.

"The Royal College of Veterinary Surgeons" means the Royal College of Veterinary Surgeons incorporated and regulated by a charter and two supplemental charters granted by Her Majesty in the years one thousand eight hundred and forty-four, one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-nine respectively.

"The Registrar" means the Registrar for the time being of the said Royal College.

"Veterinary surgery" means the art and science of veterinary surgery and medicine.

**3.**—(1.) The register of members of the Royal College of Veterinary Surgeons directed by Her Majesty's said Royal Charter of 1876 to be made and maintained, shall be styled the Register of Veterinary Surgeons, and shall be kept as accurately as possible by the Registrar. Provisions as to register of veterinary surgeons.

(2.) The Council of that College shall cause correct copies of the said register to be from time to time and at least once a year printed under their direction and published and sold, and such copies shall be admissible in evidence.

**4.** The Royal College of Veterinary Surgeons shall be bound to make provision in the manner permitted by their charters for the examination in England of the students attending the Royal Veterinary College, and in Scotland of the students attending the several Scotch Veterinary Colleges, and in Ireland whenever a Veterinary College shall be established in that country, and to admit and register such students as have passed the examination as members of the said Royal College under the provisions of such charters and this Act. Provision for examination of students in Scotland.

**5.**—(1.) The Registrar shall from time to time insert in the register of veterinary surgeons any alteration which may come to his knowledge in the name or address of any person registered. Correction of register.

(2.) The Registrar shall remove from the said register the name of every deceased person.

(3.) The Registrar may remove from the said register the name of a person who has ceased to practise, but not (save as herein-after provided) without the consent of that person.

(4.) Where the Registrar has reason to think that any person registered has ceased to practise, the Registrar may send by post to such person a notice inquiring whether or not he has ceased to

practise or has changed his residence; and if the Registrar does not within three months after sending the notice receive any answer thereto from such person, the Registrar may within fourteen days after the expiration of the three months send him by post in a registered letter another notice referring to the first notice and stating that no answer thereto has been received, and if the Registrar does not within one month after sending the second notice receive any answer thereto, such person shall for the purpose of the present section be deemed to have ceased to practise and his name may be removed accordingly.

(5.) In the execution of his duties the Registrar shall act on such evidence as in each case appears sufficient.

Removal of name from register.

**6.** The power conferred by the said Supplemental Charter of 1876 on the Council of the said Royal College, at a meeting of the Council, at which not less than two thirds of the members are present, and with the consent of three fourths of the members so present, but not otherwise, to remove a name from the register of Veterinary Surgeons may be exercised in respect of any person who is at the passing of this Act on that register, or who is after the passing of this Act placed thereon under the said charters or this Act, but in the following cases only (that is to say), at the request or with the consent of the person whose name is to be removed, or where a name has been incorrectly entered, or has been fraudulently entered or procured to be entered, or where a person registered has, either before or after the passing of this Act, and either before or after his registration, been convicted, either in Her Majesty's dominions or elsewhere, of an offence which, if committed in England, would be a misdemeanor or higher offence, or where a person registered is shown to have been guilty, either before or after the passing of this Act, and either before or after his registration, and either in Her Majesty's dominions or elsewhere, of any conduct disgraceful to him in a professional respect.

Restoration of name to register.

**7.**—(1.) Where the Council of the said Royal College have removed the name of any person from the register of veterinary surgeons, the name of that person shall not be again entered in the register except by a resolution of the Council passed under this section, or by order of a court of competent jurisdiction.

(2.) The Council may by resolution passed by a like proportion of their number as is for the time being required for the removal of a name from the said register, direct the Registrar to restore to the register any name removed therefrom, either without fee or on payment of such fee not exceeding the registration fee as the Council from time to time fix, and the Registrar shall restore the same accordingly.

(3.) The name of any person removed from the said register at the request of such person or with his consent shall, unless it might if not so removed have been removed by order of the Council, be restored to the register, on his application and on payment of such fee not exceeding the registration fee as the Council from time to time fix.

Proceedings for removal or restoration of name.

**8.**—(1.) The Council of the said Royal College shall, for the purpose of exercising in any case the power of removing a name from or of restoring a name to the register of veterinary surgeons,

ascertain the facts of the case by a committee of the Council, the powers of the committee being exerciseable by not fewer than three members of the committee; and the report of the committee, after hearing the person concerned, if he so desires, shall be for the purpose aforesaid conclusive as to the facts, but so that the Council shall form their own judgment on the case independently of any opinion of the committee.

(2.) If in any case the Council determine to remove the name of any person from the register of veterinary surgeons, or not to restore thereto the name of any person, the Council shall, if required by him, state in writing the reason for that determination, and he may appeal to the Privy Council; and the Privy Council, after communication with the Council of the said Royal College and the appellant, may either dismiss the appeal, or order that Council not to remove the name of the appellant, or to restore his name, as the case may require.

Evidence of registration.

**9.** A copy of the register of veterinary surgeons for the time being purporting to be printed and published in pursuance of this Act shall be evidence in all cases (until the contrary be made to appear) that the persons therein named are on the register of Veterinary Surgeons; and the absence of the name of any person from such copy shall be evidence (until the contrary be made to appear) that such person is not on that register: Provided that in the case of any person whose name does not appear in such copy a certified copy under the hand of the Registrar of the entry of the name of such person in the said register shall be evidence that such person is on the said register.

Notice of death of practitioners.

**10.** Every registrar of deaths in the United Kingdom on receiving notice of the death of any person on the register of Veterinary Surgeons, shall forthwith transmit by post to the Registrar a certificate under his hand of such death, with the particulars of time and place of death; and on the receipt of such certificate the Registrar shall erase the name of such person from the register of Veterinary Surgeons, and shall transmit to the said registrar of deaths the cost of such certificate and transmission.

Penalty on obtaining registration by false representation.

**11.** Any person who wilfully procures or attempts to procure himself to be placed on the register of Veterinary Surgeons by making or producing or causing to be made or produced any false or fraudulent declaration certificate or representation either in writing or otherwise, and any person aiding and assisting him therein, shall be deemed guilty in England or in Ireland of a misdemeanor and in Scotland of a crime or offence punishable by fine or imprisonment, and shall on conviction thereof be liable to a fine not exceeding fifty pounds or to be imprisoned with or without hard labour for any term not exceeding twelve months.

Penalty for wilful falsification of register.

**12.** If the Registrar wilfully makes or causes to be made any falsification in any matter relating to the register of veterinary surgeons he shall be deemed guilty of a misdemeanor, and shall be liable to a fine not exceeding fifty pounds, or to be imprisoned with or without hard labour for any term not exceeding twelve months.

Registration of colonial or foreign prac-

**13.**—(1.) Where a person shows that he holds some recognised veterinary diploma granted to him in a British possession, and either that the grant of such diploma occurred when he was not domiciled

titioner with recognised diploma

in the United Kingdom, or in the course of a period of not less than five years during which he resided out of the United Kingdom, or, if he was practising veterinary surgery in the United Kingdom at the passing of this Act, that he has practised veterinary surgery for not less than ten years, either in the United Kingdom or elsewhere, he shall upon payment of the registration fee be entitled without examination in the United Kingdom to be registered as a colonial practitioner in the register of veterinary surgeons and to become to all intents a member of the said Royal College.

(2.) Where a person shows that he obtained some recognised veterinary diploma granted in a foreign country, and either that he is not a British subject, or, that if a British subject he has practised veterinary surgery for more than ten years elsewhere than in the United Kingdom, or if he was practising veterinary surgery in the United Kingdom at the passing of this Act for not less than ten years, either in the United Kingdom or elsewhere, and either continues to hold that diploma or has not been deprived thereof for any cause which disqualifies him for being registered under this Act, he shall, on payment of the registration fee, be entitled without examination in the United Kingdom to be registered as a foreign practitioner in the register of veterinary surgeons and to become to all intents a member of the said Royal College.

(3.) For the purposes of this section a veterinary diploma is any diploma, licence, certificate, or other document granted by any university, college, corporation, or other body in respect of veterinary surgery, and includes a licence or authority to a person to practise veterinary surgery granted by any department of or persons acting under the authority of the government of the country or place within or without Her Majesty's Dominions wherein the licence or authority is granted; and a British Possession is any part of Her Majesty's Dominions out of the United Kingdom; and a recognised veterinary diploma is a veterinary diploma recognised for the time being by the Council of the said Royal College as furnishing a sufficient guaranty of the possession of the requisite knowledge and skill for the efficient practice of veterinary surgery, and as entitling the holder thereof to practise veterinary surgery in the British Possession or foreign country wherein the diploma was granted.

(4.) If a person is refused registration as a colonial practitioner, or as a foreign practitioner, the Council of the said Royal College shall, if required by that person, state in writing the reason for that refusal, and if that reason be that the veterinary diploma held or obtained by him is not a recognised veterinary diploma, that person may appeal to the Privy Council, and the Privy Council, after communication with the Council of the said Royal College and the appellant, may either dismiss the appeal or order that Council to recognise that veterinary diploma.

Confirmation of charters.

**14.** The said charters of the Royal College of Veterinary Surgeons are hereby confirmed, and are declared to be and shall be in full force and virtue, except as far as the same are by this Act altered, or as the same are inconsistent with this Act, but not so as to prevent the making of any amendment thereof or addition thereto by any supplemental Royal Charter not being inconsistent with this Act.

Title of existing veterinary practitioners to be registered in College.

**15.**—(1.) Where at the passing of this Act any person practises and has continuously for not less than five years next before the passing of this Act practised veterinary surgery in the United Kingdom, but is not on the register of veterinary surgeons, he shall be entitled, subject to the provisions of this Act, to be placed on a separate register under the heading of "Existing Practitioners," without examination, on such terms as to payment of fees, and as to other matters, as the Council of the said Royal College, with the approval of the Privy Council, direct.

(2.) On any person applying for registration under this section within one year after the passing of this Act, and thereupon, or within a reasonable time thereafter, producing to the Council of the said Royal College evidence of his title to registration by statutory declarations of himself and of other persons able to testify on his behalf, or such other evidence as that Council reasonably require, he shall be registered under direction of that Council accordingly.

(3.) If a person is refused registration under this section the Council of the said Royal College shall, if required by him, state in writing the reason for that refusal, and he may appeal to the Privy Council; and the Privy Council, after communication with the Council of the said Royal College and the appellant, may either dismiss the appeal or order that Council to register the appellant under this section.

(4.) No person registered under this section shall be deemed to be a member of the said Royal College within the said Charters or this Act.

Penalty on false representation as to membership of college.

**16.** If after the passing of this Act any person not being a fellow or a member of the Royal College of Veterinary Surgeons takes or uses any name, title, addition, or description, by means of initials or letters placed after his name, or otherwise, stating or implying that he is a fellow or a member of the Royal College of Veterinary Surgeons, he shall be liable to a fine not exceeding twenty pounds.

Penalty on misrepresentation after 1883 as to qualification to practice and incapacity to recover fee, &c.

**17.**—(1.) If after the thirty-first day of December one thousand eight hundred and eighty-three any person, other than a person who for the time being is on the register of veterinary surgeons, or who at the time of the passing of this Act held the veterinary certificate of the Highland and Agricultural Society of Scotland, takes or uses the title of veterinary surgeon or veterinary practitioner, or any name, title, addition, or description stating that he is a veterinary surgeon or a practitioner of veterinary surgery or of any branch thereof, or is specially qualified to practise the same, he shall be liable to a fine not exceeding twenty pounds.

(2.) From and after the same day a person other than as in this section mentioned shall not be entitled to recover in any court any fee or charge for performing any veterinary operation, or for giving any veterinary attendance or advice, or for acting in any manner as a veterinary surgeon or veterinary practitioner, or for practising in any case veterinary surgery, or any branch thereof.

Exercise of powers of Privy Council.

**18.**—(1.) All powers vested in the Privy Council by this Act may be exercised by an Order of Council made by two or more of the Lords and others of Her Majesty's Most Honourable Privy Council.

(2.) An Order made by the Privy Council under this Act may be made conditionally or unconditionally, and may contain such terms and directions as to the Privy Council seem just.

(3.) The Council of the said Royal College shall forthwith obey any Order of the Privy Council under this Act, and observe and fulfil all conditions, terms, and directions therein contained.

Summary proceedings for fines and imprisonment. 11 & 12 Vict. c. 43. 42 & 43 Vict. c. 49. 27 & 28 Vict. c. 53. 14 & 15 Vict c. 93.

**19.** Fines and imprisonment under this Act may be recovered and imposed summarily; that is to say—

in England in manner provided by the Summary Jurisdiction Act, 1848, and the Summary Jurisdiction Act, 1879, and any Act amending either of those Acts;

in Scotland before the sheriff or sheriff-substitute or two justices in manner provided by the Summary Procedure Act, 1864, and any Act amending the same;

in Ireland within the police district of Dublin metropolis in manner directed by the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere in Ireland before two or more justices of the peace in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

A prosecution under this Act may be instituted by the Council of the Royal College of Veterinary Surgeons, but shall not be instituted by a private person without the written consent of the said Council.

Saving rights of the Royal Veterinary College.

**20.** Nothing in this Act shall affect the charter and supplemental charter granted by Her Majesty to the Royal Veterinary College in the years 1875 and 1877 respectively, or any of the property, rights, powers, and privileges of that College thereunder.

## CHAPTER 63.

### An Act for providing a Superannuation Allowance for the Auditor of the Accounts of the Secretary of State for India in Council and his Assistants.

[27th August 1881.]

WHEREAS by section fifty-two of an Act of the session held in the twenty-first and twenty-second years of Her Majesty, chapter one hundred and six, "for the better Government of India," (herein-after referred to as the Act of 1858,) provision is made for the appointment, and for the payment out of the revenues of India, of an auditor of the accounts of the Secretary of State for India in Council and his assistants:

And whereas by section eighteen of the same Act provision is made for granting superannuation allowances to secretaries, officers, and servants on the establishment of the Secretary of State for India in Council, but the auditor and his assistants are not persons on that establishment, and no provision is made by the Act of 1858 or any other Act for granting superannuation allowances to them, and it is expedient that the law be in this respect amended:

And whereas the existing auditor was appointed to his present office on his resigning a situation in the permanent Civil Service

entitling him to superannuation allowance under the Superannuation Act, 1859, and doubts have been entertained whether under these circumstances he has been transferred from his previous employment to his present office within the meaning of the Act twenty-three and twenty-four Victoria, chapter eighty-nine, and it is expedient that such doubts be removed: 22 Vict. c. 26

And whereas some of the assistants of the existing auditor have been appointed without having obtained the requisite certificates from the Civil Service Commissioners, such certificates not having been required by law as a condition of their appointment, and their right to a superannuation allowance ought not to be prejudiced by this circumstance:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Pension rights of India Office auditor

**1.** The auditor of the accounts of the Secretary of State for India in Council and his assistants, including the persons who hold those offices at the time of the passing of this Act, notwithstanding that some of such last-mentioned persons have not obtained certificates from the Civil Service Commissioners, shall, for the purposes of superannuation allowance, be in the same position as if they were secretaries, officers, or servants appointed on the establishment of the Secretary of State for India in Council under section sixteen of the Act of 1858; and for the above purposes the existing auditor shall be deemed to have been transferred to his present office from the employment previously held by him.

Short title.

**2.** This Act may be cited as the India Office Auditor Act, 1881.

## CHAPTER 64.

An Act to remove certain doubts as to the application of section twenty-four of the Prison Act, 1877, and enactments amending the same, to the Central Criminal Court district. [27th August 1881.]

WHEREAS by section twenty-four of the Prison Act, 1877, it is enacted as follows: 40 & 41 Vict. c. 21.

"The Secretary of State may from time to time by any general or special rule appoint in any county a convenient prison or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county may be lawfully confined in any prison or prisons so appointed: Moreover, the Secretary of State may by any general or special rule from time to time appoint any convenient prison or prisons in any adjoining county to which prisoners may be committed for trial, safe custody, or otherwise, and any prisoners may be committed to such prison accordingly":

And whereas by section three of the Spring Assizes Act, 1879, the Prison Act, 1877, was amended so far as regards the carrying of a judgment into execution in any prison: 42 & 43 Vict. c. 1.

And whereas the Secretary of State, in pursuance of the said section of the Prison Act, 1877, has made divers rules relating among others to persons in the Central Criminal Court district, and such rules have been laid before Parliament:

And whereas doubts have arisen with respect to the application of the said sections in the case of persons committed for trial at the Central Criminal Court, and consequently as to the validity of the said rules, so far as relating to such persons, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 4 & 5 Will. 4 c. 36

**1.** This Act may be cited as the Central Criminal Court (Prisons) Act, 1881, and the Central Criminal Court Act, 1834, and this Act may be cited together as the Central Criminal Court Acts, 1834 and 1881.

Application to Central Criminal Court district of rules under s. 24. of 40 & 41 Vict. c. 21

**2.** (1.) Any rule made by the Secretary of State either before or after the passing of this Act in pursuance of section twenty-four of the Prison Act, 1877, and of any enactment amending the Prison Act, 1877, shall, notwithstanding anything in the Central Criminal Court Act, 1834, apply, save as otherwise therein mentioned, to prisoners committed for trial or before or during trial at the Central Criminal Court.

(2.) The enactments mentioned in the Schedule to this Act, and any other enactment referring to the gaol of Newgate, shall, save as may be prescribed, be construed to include, and to have heretofore included, the prison or prisons for the time being appointed by a rule of the Secretary of State made in pursuance of the Prison Act, 1877, as a prison or prisons to which prisoners who might otherwise be committed to Newgate may be committed, or in which prisoners triable at the Central Criminal Court are to be confined before and during trial, or at either of such times; and accordingly any commission of gaol delivery under the Central Criminal Court Act, 1834, may, subject to any exceptions specified in such commission, extend to any prison so appointed.

(3.) Any justice of the peace or coroner who commits any person charged with an offence cognisable by the Central Criminal Court may commit such person to the gaol of Newgate or to any prison so for the time being appointed as aforesaid.

(4.) Every prisoner committed for trial for any offence cognisable by the Central Criminal Court shall be brought up for trial at the prescribed time and in the prescribed manner, and, so far as is not prescribed, at the next sitting of the Central Criminal Court in manner provided by the Prison Act, 1865, with respect to bringing up prisoners for trial, and section ten and so much of section eleven of the Central Criminal Court Act, 1834, as relates to the removal of prisoners from the gaol of the county of Surrey for trial at the Central Criminal Court, are hereby repealed without prejudice to anything done under those sections.

28 & 29 Vict. c. 126.

(5.) Where judgment of death is passed at the Central Criminal Court upon a person convicted of any offence, the judgment may be

carried into execution in any prison in the Central Criminal Court district or in the county, if any, where the offence was committed or is supposed to have been committed, which the justice or judge of the said court passing sentence or any other justice or judge of the court subsequently may order, and if no order is made, then in the prison in which the convict is for the time being confined; and such sheriff as is ordered by any justice or judge of the said court, or if no order is made, the sheriff of the county in which the offence was committed or is supposed to have been committed, or if the offence was committed or is supposed to have been committed on the high seas, or if the county in which the offence was committed does not clearly appear, the sheriff of Middlesex, shall be charged with the execution of the judgment; and the sheriff charged with the execution of the judgment shall for that purpose have the same jurisdiction and powers and be subject to the same duties in the prison in which the judgment is to be carried into execution, although such prison is not situate within his county, as he has by law with respect to the common gaol of his county or would have had if the Prison Act, 1865, and the Prison Act, 1877, had not passed.

The coroner whose duty it is to hold an inquest on the bodies of persons dying in any prison, shall hold an inquest in accordance with the Capital Punishment Amendment Act, 1868, on the body of any convict executed in that prison. 31 & 32 Vict. c. 24.

So much of section nine of the Central Criminal Court Act, 1834, as relates to a prisoner who has been convicted or attainted, and also section nineteen of the Act of the nineteenth and twentieth years of the reign of Her present Majesty, chapter sixteen, and section eight of the Jurisdiction in Homicides Act, 1862, are hereby repealed without prejudice to anything done under those sections. 25 & 26 Vict. c. 65.

(6.) The Secretary of State may from time to time, by any general or special rule made in pursuance of the Prison Act, 1877, provide for any matter directed by this Act to be prescribed, and generally for carrying this Act into effect.

**3.** The Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter thirty-six, intituled, "An "Act for establishing a new Court for the trial of Offences com- "mitted in the Metropolis, and parts adjoining," is in this Act referred to and may be cited as the Central Criminal Court Act, 1834. Definitions.

The district within the limits of the Central Criminal Court Act, 1834, is in this Act referred to, and may in any Act, indictment, or document whatsoever be referred to, as the Central Criminal Court district.

The expression "prescribed" means prescribed by a rule made by the Secretary of State in pursuance of the Prison Act, 1877, as amended by this Act. 40 & 41 Vict. c. 21.

## SCHEDULE.

ENACTMENTS REFERRED TO.

| Session and Chapter. | Title. |
|---|---|
| 4 & 5 Will. 4. c. 36. | An Act for establishing a new Court for the trial of Offences committed in the Metropolis, and parts adjoining. |
| 19 & 20 Vict. c 16.- | An Act to empower the Court of Queen's Bench to order certain offenders to be tried at the Central Criminal Court. |
| 25 & 26 Vict. c. 65. | An Act for the more speedy trial of certain homicides committed by persons subject to the Mutiny Act. |

## CHAPTER 65.

### An Act to facilitate leases of land for the erection thereon of Schools and Buildings for the promotion of Public Education in Ireland. [27th August 1881.]

WHEREAS it is expedient to provide greater facility for obtaining leases of land of sufficient duration to enable the erection of schools and teachers residences for the purposes of public education in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation of terms.

**1.** In the construction of this Act the words "grantor," "lessor," and "person" shall extend to and include any body corporate.

The word "entitled" shall mean entitled either legally or equitably.

The word "settlement" shall mean every assurance or connected set of assurances, whether by articles, agreement, deed, will, Act of Parliament, or otherwise, by which lands are or shall be limited in a course of settlement or be agreed so to be settled.

The words "public education" shall include education provided in return for periodical payments as well as purely gratuitous or free education.

Power of making lease.

**2.** Every person herein after described entitled in possession to any estate or interest herein-after specified in lands in Ireland, or to the receipt of the income thereof, whether or not such estate or interest shall be subject to any mortgage or other incumbrance (provided the mortgagee or incumbrancer shall not be in possession), shall have power to make leases of any part of the said lands (other than the mansion house and demesne or pleasure grounds usually occupied with such mansion house), and not exceeding in the whole one statute acre for the purposes and periods of time and subject to the covenants and condition herein-after provided (that is to say):

(*a.*) Her Majesty the Queen and her successors and the Commissioners of Woods and Forests:

(*b.*) Tenants in fee simple or fee farm, or in tail general or special, or in quasi entail:

(*c.*) Tenants for their own lives or pur autre vie:

(*d.*) Married women entitled to any estate above described under letters (*a.*), (*b.*), and (*c.*) for their separate use, and whether restrained or not from anticipation:

(*e.*) Tenants by the courtesy of England:

(*f.*) Husbands seized in right of their wives or by entiretics with their wives, provided every such wife shall be a concurring party in any lease under their act:

(*g.*) Corporations lay, eleemosynary, and collegiate, whether aggregate or sole:

(*h.*) Trustees of charities or for public purposes, provided any lease to be made by any such trustees under this Act shall be approved of under the seal of the Commissioners of Charitable Donations and Bequests for Ireland:

(*i.*) Trustees under any will or settlement, provided that no lease to be made under this Act by any such trustees shall be valid without the consent in writing of any person whose consent may be requisite under such will or settlement to the exercise of any power of sale or exchange or any leasing power therein contained.

Provision in case of disability.

**3.** In case any person (not being a trustee) who would be entitled to make a lease under this Act shall happen to be under any of the disabilities herein-after mentioned, the power to lease under this Act shall be exercised in his or her name or behalf in the following manner; (that is to say), if an infant, by his or her guardian or guardians, or by the Lord Chancellor of Ireland, if such person have no guardian; if lunatic or idiot or non compos mentis, then by the committee of the estate, and if there shall be no such committee then by the Lord Chancellor of Ireland: Provided always, that no such lease of land belonging to any infant, lunatic, idiot, or person non compos mentis shall be valid without the consent of the Lord Chancellor of Ireland obtained by a summary petition to him by some person interested.

Limitation of lease.

**4.** A lease under this Act may be made of any quantity of land not exceeding one acre statute measure for a site for a chool or schools and playground, or other accommodation in connexion therewith, or for teachers residences, for any term not exceeding nine hundred years, nor less than ninety-nine years, at a nominal rent.

Covenants implied.

**5.** Every such lease shall imply the following covenants, conditions, and agreements as fully as if they were therein expressly inserted on the part of the lessees or grantees in such lease and their successors, or, as the case may be, their heirs, executors, administrators, or assigns, that is to say:

(1.) Covenant to expend upon the premises demised the sum agreed on as the consideration for the lease within a period to be specified in such lease commencing from the date thereon:

(2.) To pay the rent, and all taxes and impositions payable on the tenant's part:

(3.) To repair, maintain, and keep the demised premises and all improvements thereon in good repair during the term:

(4.) That the said premises shall not be used or applied for any other purposes than those to be expressed in the lease:

Conditions (5) that if the demised premises shall for a period of three years continuously cease to be used for any of the said expressed purposes, it shall be lawful for the lessor, or his, her, or their successors in estate, to re-enter; and (6) that it shall also be lawful for the said lessor, his, her, or their successors in estate, at all times to enter and inspect the premises (and all such implied covenants and conditions shall enure for the benefit of the persons who would, if no such lease had been made, have been entitled for the time being to the possession of the lands therein comprised, or the receipt of any rents thereof).

Form of lease

**6.** Every lease made under this Act shall be by indenture sealed and delivered in the presence of at least one witness, and a counterpart of such lease shall be executed by the grantees or lessees therein named, and delivered to the lessor or grantor.

Effect of lease.

**7.** Every lease made pursuant to this Act shall be effectual to bind the lessor or grantor and his, her, and their successors, heirs, executors, and administrators and assigns, and all persons deriving under the same title or settlement as the said lessor or grantor, and notwithstanding any entail, law, or custom to the contrary, and whether or not there shall be any leasing power contained in any such settlement by deed or will, or belonging or annexed to the estate of such grantor or lessor, but so as not to prejudice or interfere with any such other power.

Short title

**8.** This Act may be cited as the Leases for Schools (Ireland) Act, 1881.

## CHAPTER 66.

An Act to amend the Law regulating the Close Season for fishing for Pollen in Ireland. [27th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of open season

**1.** From and after the passing of this Act the season during which it shall not be lawful to take pollen shall be from the first day of November in each year to the thirty-first day of January in the following year, both days inclusive.

During the open season of the year one thousand eight hundred and eighty-one, in Lough Neagh pollen shall not be fished for or taken except by such trammel or set-nets as are specified in the byelaw made and published by the Inspectors of Irish Fisheries regulating pollen fishing in Lough Neagh, and dated the twenty-seventh day of April one thousand eight hundred and eighty.

The Inspectors of Irish Fisheries may annually, or at such other intervals as they think fit, from time to time extend the close season fixed by this Act during which pollen may not be lawfully taken.

The provisions of the Fisheries (Ireland) Act, 1869, and the Acts incorporated therewith, relative to the powers of the said Inspectors to regulate the season for the taking of any species of fish, shall be taken to empower the Inspectors at any time, and notwithstanding any enactment to the contrary, from time to time to alter such close season, but not so as to make it shorter than the period fixed by this Act in that behalf, and the said provisions shall apply to the purposes of this Act accordingly. 32 & 33 Vict. c. 92.

2. This Act shall extend to Ireland only, and may be cited as the Pollen Fishing (Ireland) Act, 1881. Short title.

## CHAPTER 67.

An Act to regulate the hawking of Petroleum and other substances of a like nature. [27th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Any person who is licensed in pursuance of the Petroleum Act, 1871, to keep petroleum to which that Act applies may, subject to the enactments for the time being in force with respect to hawkers and pedlars, hawk such petroleum by himself or his servants. Power to hawk petroleum. 34 & 35 Vict. c. 105.

2. With respect to the hawking of petroleum to which the Petroleum Act, 1871, applies, the following regulations shall be observed: Regulations for hawking petroleum.

(1.) The amount of petroleum conveyed at one time in any one carriage shall not exceed twenty gallons:

(2.) The petroleum shall be conveyed in a closed vessel so constructed as to be free from leakage:

(3.) The carriage in which the vessels containing the petroleum are conveyed shall be so ventilated as to prevent any evaporation from the petroleum mixing with the air in or about the carriage in such proportion as to produce or be liable to produce an explosive mixture:

(4.) Any fire or light or any article of an explosive or highly inflammable nature shall not be brought into or dangerously near to the carriage in which the vessels containing the petroleum are conveyed:

(5.) The carriage in which the vessels containing the petroleum are conveyed shall be so constructed or fitted that the petroleum cannot escape therefrom in the form of liquid, whether ignited or otherwise:

(6.) Proper care shall be taken to prevent any petroleum escaping into any part of a house or building, or of the curtilage thereof, or into a drain or sewer:

(7.) The petroleum shall be stored in some premises licensed for keeping of petroleum and in accordance with the license for such premises both every night and also when the petroleum is not in the course of being hawked:

(8.) All due precautions shall be taken for the prevention of accidents by fire or explosion, and for preventing unauthorised

persons having access to the vessels containing the petroleum, and every person concerned in hawking the petroleum shall abstain from any act whatever which tends to cause fire or explosion, and is not reasonably necessary for the purpose of such hawking:

(9.) No article or substance of an explosive or inflammable character other than petroleum, nor any article liable to cause or communicate fire or explosion, shall be in the carriage while such carriage is being used for the purpose of hawking petroleum.

In the event of any contravention of this section with reference to any petroleum, the petroleum, together with the vessels containing and the carriage conveying the same, shall be liable to be forfeited, and in addition thereto the licensee by whom or by whose servants the petroleum was being hawked shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Provided that—

(1.) Where some servant of the licensee or other person has in fact committed the offence, such servant or other person shall be liable to the same penalty as if he were the licensee:

(2.) Where the licensee is charged with a contravention of this section, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if the licensee proves to the satisfaction of the court that he had used due diligence to enforce the execution of this section, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the licensee shall be exempt from any penalty.

Any petroleum other than that to which the Petroleum Act, 1871, applies while in any carriage used for the hawking of petroleum to which the Petroleum Act, 1871, applies, shall for the purposes of this section be deemed to be petroleum to which the Petroleum Act, 1871, applies.

Modification of conditions of license under 34 & 35 Vict. c. 105.

**3.** Any conditions annexed to a license granted in pursuance of the Petroleum Act, 1871, either before or after the passing of this Act, shall, so far as they are inconsistent with this Act, be void, but save as aforesaid nothing in this Act shall affect the application to a licensee of the provisions of the Petroleum Act, 1871, or of any license granted thereunder.

Power of constable as to prevention of offences.

**4.** Where a constable or any officer authorised by the local authority has reasonable cause to believe that a contravention of this Act is being committed in relation to any petroleum, he may seize and detain such petroleum and the vessels and carriage containing the same, until some court of summary jurisdiction has determined whether there was or not a contravention of this Act, and section thirteen of the Petroleum Act, 1871, shall apply to such constable and officer as if he were the person named in the warrant mentioned in that section, and as if the seizure were a seizure in pursuance of that section.

**5.** Nothing in this Act contained shall extend to authorise the hawking of petroleum within the limits of any municipal borough in which, by any lawful authority, such hawking shall have been or may hereafter be forbidden. Saving of rights of municipal boroughs.

**6.** For the purposes of this Act— Definitions.

The expression "carriage" includes any carriage, waggon, cart, truck, vehicle, or other means of conveyance by land, in whatever manner the same may be drawn or propelled; and

A person shall be deemed for the purposes of this Act to hawk petroleum if by himself or his servants he goes about carrying petroleum to sell, whether going from town to town or to other men's houses, or selling it in the streets of the place of his residence or otherwise, and whether with or without any horse or other beast bearing or drawing burden.

**7.** This Act may be cited as the Petroleum (Hawkers) Act, 1881. Short title and construction of Act. 34 & 35 Vict. c. 105. 42 & 43 Vict. c. 47.

This Act shall be construed as one with the Petroleum Acts, 1871 and 1879, and together with those Acts may be cited as the Petroleum Acts, 1871 to 1881.

## CHAPTER 68.

An Act to amend the Supreme Court of Judicature Acts; and for other purposes. [27th August 1881.]

WHEREAS it is expedient to amend the constitution of Her Majesty's Court of Appeal, and to make further provision concerning the Supreme Court of Judicature and the officers thereof, and such other matters as are herein-after mentioned:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the Supreme Court of Judicature Act, 1881. Short title.

**2.** From and after the passing of this Act the present and every future Master of the Rolls shall cease to be a judge of Her Majesty's High Court of Justice, but shall continue by virtue of his office to be a judge of Her Majesty's Court of Appeal, and shall retain the same rank, title, salary, right of pension, patronage, and powers of appointment or dismissal, and all other powers, privileges, and disqualifications now and heretofore belonging to the said office of Master of the Rolls and all other duties of the said office except that of a judge of Her Majesty's High Court of Justice: Provided that the present Master of the Rolls shall not by virtue of this Act be subject to any disqualification to which he is not by law now subject, nor shall be required to act under any commission of assize, nisi prius, oyer and terminer, or gaol delivery; and the existing personal officers of the Master of the Rolls shall continue to be attached to him and be under his authority, and to hold their respective offices upon the same tenure and in the same manner in all respects as if this Act had not passed: Provided also, that any Master of the Rolls to be hereafter appointed shall be under an obli- Master of the Rolls to be Judge of Appeal only

gation to go circuits and to act as a commissioner under commissions of assize, or other commissions authorised to be issued in pursuance of the Supreme Court of Judicature Act, 1873, in the same manner in all respects as he would have been under the last-mentioned Act, or any Acts or Act amending the same, if he had continued to be a judge of the Chancery Division of the High Court of Justice.

36 & 37 Vict. c. 66.

Existing vacancy in Court of Appeal not to be filled up.

**3.** The vacancy now existing among the ordinary judges of the said Court of Appeal shall not be filled up, and the number of ordinary judges of that Court shall henceforth be five

President of Probate Division to be an ex-officio judge of Court of Appeal.

**4.** The President for the time being of the Probate, Divorce, and Admiralty Division of the High Court of Justice shall henceforth be an ex-officio judge of Her Majesty's Court of Appeal with the same powers, and in the same manner in all respects as the other ex-officio judges thereof; he shall not be entitled in the said Court to any precedence over any existing judge to which he would not have been entitled as a judge of the Supreme Court of Judicature if this Act had not passed.

New judge of High Court instead of Master of the Rolls

**5.** It shall be lawful for Her Majesty to supply the vacancy in the High Court of Justice, to be occasioned by the removal therefrom of the Master of the Rolls, by the appointment, immediately after the passing of this Act, and from time to time afterwards, of a judge, who shall be in the same position as if he had been appointed a puisne judge of the said High Court in pursuance of the Judicature Acts, 1873 and 1875; and all the provisions of the Supreme Court of Judicature Acts, 1873 and 1875, for the time being in force in relation to the qualification and appointment of puisne judges of the said High Court, and to their duties and tenure of office, and to their precedence, and to their salaries and pensions, and to the officers to be attached to the persons of such judges, and all other provisions relating to such puisne judges, or any of them, with the exception of such provisions as apply to existing judges only, shall apply to the judge appointed in pursuance of this section, in the same manner as they apply to the other puisne judges of the said High Court respectively. The judge so appointed shall be attached to the Chancery Division of the said High Court, subject to such power of transfer as is in the Supreme Court of Judicature Act, 1873, mentioned.

36 & 37 Vict. c. 66. 38 & 39 Vict. c. 77.

Judge under 40 & 41 Vict. c. 9

**6.** The power given to Her Majesty by the Supreme Court of Judicature Act, 1877, to appoint a judge of the High Court of Justice in addition to the number of judges authorised to be appointed by the Supreme Court of Judicature Acts, 1873 and 1875, may be exercised by Her Majesty from time to time, so as at all times to make due provision for the business of the Chancery Division of the High Court of Justice: Provided that no such appointment shall be made unless or until the number of judges attached for the time being to the Chancery Division of the High Court, other than the Lord Chancellor, is, by death, resignation, or otherwise, reduced below five.

Rolls Court Chambers and clerks, &c.

**7.** The Lord Chancellor shall have power by order under his hand to direct that the court and chambers, heretofore used by the Master of the Rolls as a judge of the Chancery Division of the High Court of Justice, shall (so long as may be necessary or convenient) be used by such judge of the said Chancery Division of the said

High Court as shall be in any such order in that behalf named; and the chief and other clerks, and other officers, heretofore attached to the said court and chambers respectively, shall (subject to any rules or orders of court) be and continue attached to the judge to be named in any such order, and, after such court and chambers shall have ceased to be so used, to the judge to whom the business previously transacted in such court and chambers respectively shall be for the time being assigned.

Title of justices. 40 & 41 Vict. c. 9.

**8.** And whereas it is expedient to amend section four of the Supreme Court of Judicature Act, 1877: Be it enacted that the exception of Presidents of Divisions from the enactment that the judges of the High Court of Justice shall be styled justices of the High Court shall not apply to any judge to be hereafter appointed who may be or become President of the Probate, Divorce, and Admiralty Division of the High Court of Justice.

Appeals under Divorce Act.

**9.** All appeals which, under section fifty-five of the Act of the twentieth and twenty-first years of Her present Majesty, chapter eighty-five, or under any other Act, might be brought to the full court established by the said first-mentioned Act, shall henceforth be brought to Her Majesty's Court of Appeal and not to the said full court.

The decision of the Court of Appeal on any question arising under the Acts relating to divorce and matrimonial causes, or to the declaration of legitimacy, shall be final except where the decision either is upon the grant or refusal of a decree on a petition for dissolution or nullity of marriage, or for a declaration of legitimacy, or is upon a question of law on which the Court of Appeal give leave to appeal; and, save as aforesaid, no appeal shall lie to the House of Lords under the said Acts.

39 & 40 Vict. c. 59.

Subject to any order made by the House of Lords, in accordance with the Appellate Jurisdiction Act, 1876, every appeal to the House of Lords against any such decision shall be brought within one month after the decision appealed against is pronounced by the Court of Appeal if the House of Lords is then sitting, or, if not within fourteen days after the House of Lords next sits.

This section, so far as is consistent with the tenor thereof, shall be construed as one with the said Acts.

As to appeal against decrees nisi for dissolution or nullity of marriage.

**10.** No appeal from an order absolute for dissolution or nullity of marriage shall henceforth lie in favour of any party who, having had time and opportunity to appeal from the decree nisi on which such order may be founded, shall not have appealed therefrom.

Qualification of judges to sit on appeals.

**11.** A judge who was not present and acting as a member of a divisional court of the High Court of Justice, at the time when any decision which may be appealed from was made, or at the argument of the case decided, shall not, for the purposes of the fourth section of the Supreme Court of Judicature Act, 1875, be deemed to be, or to have been, a member of such divisional court.

In cases of urgency, &c. one judge may officiate for another.

**12.** In any case of urgency arising during the absence from illness or any other cause or during any vacancy in the office of any judge of the High Court of Justice to whom any cause or matter may have been according to the course of the said court or of any division thereof specially assigned, it shall be lawful for any other judge of the said court, who may consent so to do, to hear and dispose of

any application for an injunction or other interlocutory order for or on behalf of the judge so absent, or in the place of the judge whose office may have so become vacant.

Selection of judges for trial of election petitions. 31 & 32 Vict. c. 125.

**13.** The judges to be placed on the rota for the trial of election petitions in England in each year, under the provisions of the Parliamentary Elections Act, 1868, or any Act amending the same, shall henceforth be selected out of the Judges of the Queen's Bench Division of the High Court of Justice in such manner as may be provided by any Rules of Court to be made for that purpose; and, subject thereto, shall be selected as follows; (that is to say,) the judges of the Queen's Bench Division of the said High Court shall, on or before the fourth day of November in every year, select, by a majority of votes, three of the puisne judges of such Division (none of whom shall be a member of the House of Lords) to be placed on the rota for the trial of election petitions during the ensuing year.

If in any case the judges of the said Division, present at the time of their meeting to make such selection, are equally divided in their choice of any judge to be placed on the rota, the Lord Chief Justice of England, or, in case of his absence, the senior judge then present, shall have a second or casting vote.

The choice of a judge to fill any occasional vacancy upon the rota or to assist the judge on the rota as an additional judge, shall be made in like manner.

The judges, who at the time of the passing of this Act shall be upon the rota for the trial of election petitions, shall continue upon such rota until the end of the year for which they have been appointed, in the same manner as if this Act had not passed.

If at the end of the year for which any such judge shall have been appointed, whether before or after the passing of this Act, any trial or other matter shall be pending before him, either alone or together with any other judge and not concluded, or if, after the conclusion of any such trial or of the hearing of any such matter, judgment shall not have been given thereon, it shall be lawful for every such judge to proceed with and to conclude such pending trial or other matter, and to give judgment thereon, after the end of such year, in the same manner in all respects as if the year for which he was appointed had not expired.

Jurisdiction of High Court in registration and election cases. 28 & 29 Vict. c. 36. 31 & 32 Vict. c. 125. 35 & 36 Vict. c. 60. 41 & 42 Vict. c. 26.

**14.** The jurisdiction of the High Court of Justice to decide questions of law, upon appeal or otherwise, under the Act of the sixth and seventh years of Her Majesty, chapter eighteen, the County Voters Registration Act, 1865, the Parliamentary Elections Act, 1868, the Corrupt Practices (Municipal Elections) Act, 1872, the Parliamentary and Municipal Registration Act, 1878, or any of the said Acts, or any Act amending the same respectively, shall henceforth be final and conclusive, unless in any case it shall seem fit to the said High Court to give special leave to appeal therefrom to Her Majesty's Court of Appeal, whose decision in such case shall be final and conclusive.

Quorum in Court of Criminal Appeal.

**15.** The jurisdiction and authority in relation to questions of law arising in criminal trials, which, under section forty-seven of the Supreme Court of Judicature Act, 1873, is now vested in the judges of the High Court of Justice, may be exercised by any five or

more of such judges, notwithstanding the abolition of the offices of Lord Chief Justice of the Common Pleas and Lord Chief Baron of the Exchequer; provided that the Lord Chief Justice of England shall always be one of such judges, unless, by writing under his hand or by the certificate in writing of his medical attendant, it shall appear that he is prevented, by illness or otherwise, from being present at any court duly appointed to be held for the purpose aforesaid, in which case the presence of the said Lord Chief Justice at such court shall not be necessary.

Proceedings with regard to nomination of sheriffs. 24 Geo. 2. c. 48.

**16.** The proceedings for the ordaining or nominating of sheriffs, directed by an Act passed in the fourteenth year of King Edward the First, intituled "How long a Sheriff shall tarry in his Office," and by another Act passed in the twenty-fourth year of King George the Second, intituled "An Act for the abbreviation of Michaelmas Term," to take place at the Exchequer, shall henceforth in every year take place in the Queen's Bench Division of the High Court of Justice, at the same time and in the same manner as hath been heretofore accustomed in the Court of Exchequer.

Presentation and swearing of Lord Mayor of London.

**17.** The presentation and swearing of the Lord Mayor of the city of London, which has heretofore taken place in the Court of Exchequer at Westminster after every annual election into that office, pursuant to charters granted by Her Majesty's Royal predecessors to the citizens of London, and to the herein-before recited Act of King George the Second, shall henceforth take place in the Queen's Bench Division of Her Majesty's High Court of Justice, or before the judges of that Division, at the same time and in the same manner as hath been heretofore accustomed in the Court of Exchequer.

As to fixing sessions of Central Criminal Court.

**18.** The power of making general orders for fixing the times of holding sessions of the Central Criminal Court established by the Act of the fourth and fifth years of King William the Fourth, chapter thirty-six, which by section fifteen of that Act was given to any eight or more of the judges of the Superior Courts of Westminster, may henceforth be exercised from time to time by any four or more of the judges of Her Majesty's High Court of Justice.

Power to make rules under 39 & 40 Vict. c. 59.

**19.** The power of making Rules of Court, conferred by section seventeen of the Appellate Jurisdiction Act, 1876, upon the several judges therein mentioned, shall henceforth be vested in and exercised by any five or more of the following persons, of whom the Lord Chancellor shall be one; namely, the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, and four other judges of the Supreme Court of Judicature to be from time to time appointed for the purpose by the Lord Chancellor in writing under his hand, such appointment to continue for such time as shall be specified therein.

Extension of 32 & 33 Vict. c. 91. s. 14.

**20.** The provisions of section fourteen of the Courts of Justice (Salaries and Funds) Act, 1869, shall henceforth be applicable to all officers of the Supreme Court of Judicature and all officers in Lunacy in the same manner and subject to the same conditions as is thereby enacted concerning the officers in the Courts of Chancery, Bankruptcy, and Admiralty: Provided always, that any order to be made

by the Treasury as to any officers not heretofore included within that section of the said Act shall be made with the concurrence of the Lord Chancellor, and also in the case of officers who are appointed by any other persons or person than the Lord Chancellor either solely or jointly with the Lord Chancellor, with the concurrence of the persons or person having such power of appointment: Provided also, that no order made under this Act which would not have been heretofore authorised by the said section or otherwise by law shall without his consent apply to any officer holding any office at the time of the commencement of this Act.

Notice of vacancies in offices of Supreme Court

**21.** Upon the occurrence henceforth of any vacancy in any office of the Supreme Court of Judicature notice thereof shall be forthwith given to the Lord Chancellor and also to the Treasury by the senior continuing or surviving officer of the department in which the vacancy shall occur, and no appointment shall be made to fill such vacancy within the period of one month next after the date of such notice without the assent of the Lord Chancellor, given with the concurrence of the Treasury; and the Lord Chancellor may, if it be necessary, make provision for such manner as he thinks fit for the temporary discharge in the meantime of the duties of such office The word "officer" in this Act shall not include the office of any judge of the Supreme Court of Judicature

Appointment of district registrars 42 & 43 Vict. c 78

**22.** And whereas by the Judicature Acts, 1873, 1875, and 1877 and the Supreme Court of Judicature (Officers) Act, 1879, no provision is made for the appointment of district registrars of the High Court of Justice other than persons holding or having held the offices in section sixty of the Supreme Court of Judicature Act, 1873, and section thirteen of the Supreme Court of Judicature Act, 1875, respectively mentioned: Be it enacted, that if on any vacancy in the office of district registrar under the said Acts, or upon the appointment by any Order in Council to be hereafter made of any new district within which there shall be a district registrar (unless by such Order in Council it shall be otherwise directed), it shall appear to the Lord Chancellor, with the concurrence of the Treasury, that from the nature and amount of the business to be transacted by such district registrar it is expedient that such office should be conferred upon a person not so qualified as aforesaid, it shall be lawful for the Lord Chancellor, with the concurrence of the Treasury, to appoint to such office any solicitor of the Supreme Court of Judicature of not less than five years standing.

A district registrar shall not, either by himself or his partner, be directly or indirectly engaged as solicitor or agent for a party to any proceeding whatsoever in the district registry of which he is registrar.

Appointments to keep order, &c in Royal Courts of Justice

**23.** The Lord Chancellor may from time to time, with the concurrence of the Treasury, make regulations with respect to—

(*a.*) The appointment, removal, payment, and duties of persons to keep order in the Royal Courts of Justice, provided that no such regulation shall affect any right of appointment enjoyed by any person at the time of the commencement of this Act, without his consent thereto:

(*b.*) The appointment, removal, payment, and duties of persons charged with the care and cleaning of the Royal Courts of Justice:

(*c.*) Any other matters necessary or incidental to the use or management of the Royal Courts of Justice. Any remuneration payable under this section shall be paid out of money voted by Parliament.

Powers as to solicitors. 6 & 7 Vict. c. 73. 23 & 24 Vict. c. 127. 40 & 41 Vict. c. 62.

**24.** The powers which by an Act passed in the session of the sixth and seventh years of Her present Majesty, intituled "An "Act for consolidating and amending several of the Laws relating "to Attornies and Solicitors practising in England and Wales," and by section fourteen of the Supreme Court of Judicature Act, 1875, and by the Solicitors Act, 1860, and by the Solicitors Act, 1877, and by any Act amending the said Acts respectively, are vested in the Master of the Rolls jointly with the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, or with any of them, or jointly with the Presidents of the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court, or with any of them, shall henceforth be vested in the Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief Justice of England, or (in case of difference) of one of them, and anything required by the said Acts to be done to or before the said Lord Chief Justices and Lord Chief Baron, or the said Presidents jointly with the Master of the Rolls, may be done to or before the Master of the Rolls, the Lord Chancellor, and the Lord Chief Justice of England.

Provision may be made by the Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief Justice of England, or (in case of difference) of one of them, for the care and custody of the Roll of Solicitors after the abolition of the office of Clerk of the Petty Bag.

Chief Justice of England to have powers of Chief Justice of Common Pleas and Chief Baron of the Exchequer.

**25.** Where by any Statute any power is given to or any act is required or authorised to be done by the Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer, or either of them, either solely or jointly with the Lord Chief Justice of the Queen's Bench or the Lord Chief Justice of England, and either with or without the Lord Chancellor or any judge, officer, or person, such power may henceforth be exercised and such act done by the Lord Chief Justice of England; and where by any Statute the concurrence of the Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer, or either of them, is required for the exercise of any power, or the performance of any act, it shall be sufficient henceforth that the Lord Chief Justice of England shall concur therein.

Commissioners for acknowledgments by married women.

**26.** And whereas under the Act of the third and fourth years of King William the Fourth, chapter seventy-four, the Lord Chief Justice of the Court of Commons Pleas was empowered to appoint such proper persons as he should think fit to be perpetual commissioners for taking the acknowledgments by married women of deeds to be executed by them as in the same Act provided, and such commissioners were made removable by and at the pleasure of the said Lord Chief Justice; and by divers subsequent Acts

provision was made for further and other duties to be performed by such commissioners: And whereas the present Lord Chief Justice of England was before and down to the time of his appointment to that office Lord Chief Justice of the Common Pleas, and after his appointment to be Lord Chief Justice of England no other person was appointed to be Lord Chief Justice of the Common Pleas, and that office has since been abolished: Be it enacted and declared, that every appointment of any person to be a commissioner for taking such acknowledgments and performing such other duties as aforesaid, and every order for the removal of any person from such office of commissioner, which shall have been made by the present Lord Chief Justice of England at any time since his appointment to that office, or shall be hereafter made by the Lord Chief Justice of England for the time being, shall be and be deemed to have been valid and effectual in the law, to all intents and purposes whatsoever, in the same manner as if it had been made by a Lord Chief Justice of the Common Pleas before the abolition of that office.

Powers to make rules for practice of county courts

**27.** And whereas it is expedient that the jurisdiction of county courts should be exercised as far as conveniently may be in a manner similar to that of the High Court in the like cases, and doubts have arisen as to the extent of the powers of making rules and orders for regulating the practice of county courts contained in the Act of the nineteenth and twentieth years of Her present Majesty, chapter one hundred and eight, which doubts it is expedient to remove: Be it enacted, that the power of making rules and orders for regulating the practice of county courts contained in section thirty-two of the said last-mentioned Act shall be deemed to extend to all matters of procedure or practice, or relating to or concerning the effect or operation in law of any procedure or practice, in any cases within the cognizance of county courts, as to which rules of court have been or might lawfully be made by or under the provisions of the Judicature Acts, 1873 and 1875, and the Appellate Jurisdiction Act, 1876, for cases within the cognizance of Her Majesty's High Court of Justice; and any rules heretofore made under the provisions of the said first-mentioned Act, in the manner and with the concurrence thereby required, as to any such matters as aforesaid, shall be deemed to be and to have been to all intents and purposes valid and effectual in law.

## CHAPTER 69.

An Act to amend the Law with respect to Fugitive Offenders in Her Majesty's Dominions, and for other Purposes connected with the Trial of Offenders.

[27th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

**1.** This Act may be cited as the Fugitive Offenders Act, 1881.

## PART I.

### RETURN OF FUGITIVES.

Liability of fugitive to be apprehended and returned.

**2.** Where a person accused of having committed an offence (to which this part of this Act applies) in one part of Her Majesty's dominions has left that part, such person (in this Act referred to as a fugitive from that part) if found in another part of Her Majesty's dominions, shall be liable to be apprehended and returned in manner provided by this Act to the part from which he is a fugitive.

A fugitive may be so apprehended under an endorsed warrant or a provisional warrant.

Endorsing of warrant for apprehension of fugitive.

**3.** Where a warrant has been issued in one part of Her Majesty's dominions for the apprehension of a fugitive from that part, any of the following authorities in another part of Her Majesty's dominions in or on the way to which the fugitive is or is suspected to be; (that is to say,)

(1.) A judge of a superior court in such part; and

(2.) In the United Kingdom a Secretary of State and one of the magistrates of the metropolitan police court in Bow Street; and

(3.) In a British possession the governor of that possession,

if satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend the fugitive in the part of Her Majesty's dominions in which it is endorsed, and bring him before a magistrate.

Provisional warrant for apprehension of fugitive.

**4.** A magistrate of any part of Her Majesty's dominions may issue a provisional warrant for the apprehension of a fugitive who is or is suspected of being in or on his way to that part on such information, and under such circumstances, as would in his opinion justify the issue of a warrant if the offence of which the fugitive is accused had been committed within his jurisdiction, and such warrant may be backed and executed accordingly.

A magistrate issuing a provisional warrant shall forthwith send a report of the issue, together with the information or a certified copy thereof, if he is in the United Kingdom, to a Secretary of State, and if he is in a British possession, to the governor of that possession, and the Secretary of State or governor may, if he think fit, discharge the person apprehended under such warrant.

Dealing with fugitive when apprehended.

**5.** A fugitive when apprehended shall be brought before a magistrate, who (subject to the provisions of this Act) shall hear the case in the same manner and have the same jurisdiction and powers, as near as may be (including the power to remand and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction.

If the endorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) according to the law ordinarily administered by the magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this part of this Act applies, the magistrate shall commit the fugitive to prison to await his return,

and shall forthwith send a certificate of the committal and such report of the case as he may think fit, if in the United Kingdom to a Secretary of State, and if in a British possession to the governor of that possession.

Where the magistrate commits the fugitive to prison he shall inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of habeas corpus, or other like process.

A fugitive apprehended on a provisional warrant may be from time to time remanded for such reasonable time not exceeding seven days at any one time as under the circumstances seems requisite for the production of an endorsed warrant.

Return of fugitive by warrant.

**6.** Upon the expiration of fifteen days after a fugitive has been committed to prison to await his return, or if a writ of habeas corpus or other like process is issued with reference to such fugitive by a superior court, after the final decision of the court in the case,

(1.) if the fugitive is so committed in the United Kingdom, a Secretary of State; and

(2.) if the fugitive is so committed in a British possession, the governor of that possession,

may, if he thinks it just, by warrant under his hand order that fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed by sea or otherwise to the said part of Her Majesty's dominions, to be dealt with there in due course of law as if he had been there apprehended, and such warrant shall be forthwith executed according to the tenor thereof.

The governor or other chief officer of any prison, on request of any person having the custody of a fugitive under any such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

Discharge of person apprehended if not returned within one month.

**7.** If a fugitive who, in pursuance of this part of this Act, has been committed to prison in any part of Her Majesty's dominions to await his return, is not conveyed out of that part within one month after such committal, a superior court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given, if the said part is the United Kingdom to a Secretary of State, and if the said part is a British possession to the governor of the possession, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody.

Sending back of persons apprehended if not prosecuted within six months or acquitted.

**8.** Where a person accused of an offence and returned in pursuance of this part of this Act to any part of Her Majesty's dominions, either is not prosecuted for the said offence within six months after his arrival in that part, or is acquitted of the said offence, then if that part is the United Kingdom a Secretary of State, and if that part is a British possession the governor of that possession, may, if he think fit, on the request of such person, cause him to be sent back

free of cost and with as little delay as possible to the part of Her Majesty's dominions in or on his way to which he was apprehended.

Offences to which this part of this Act applies.

**9.** This part of this Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanor, crime, or by any other name, which is for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour.

This part of this Act shall apply to an offence notwithstanding that by the law of the part of Her Majesty's dominions in or on his way to which the fugitive is or is suspected of being it is not an offence, or not an offence to which this part of this Act applies; and all the provisions of this part of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in such last-mentioned part of Her Majesty's dominions an offence to which this part of this Act applies.

Powers of superior court to discharge fugitive when case frivolous or return unjust.

**10.** Where it is made to appear to a superior court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, such court may discharge the fugitive, either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the court seems just.

Power of Lord Lieutenant in Ireland.

**11.** In Ireland the Lord Lieutenant or Lords Justices or other chief governor or governors of Ireland, also the chief secretary of such Lord Lieutenant, may, as well as a Secretary of State, execute any portion of the powers by this part of this Act vested in a Secretary of State.

## PART II.

### INTER-COLONIAL BACKING OF WARRANTS, AND OFFENCES.

*Application of part of Act.*

Application of part of Act to group of British possessions

**12.** This part of this Act shall apply only to those groups of British possessions to which, by reason of their contiguity or otherwise, it may seem expedient to Her Majesty to apply the same.

It shall be lawful for Her Majesty from time to time by Order in Council to direct that this part of this Act shall apply to the group of British possessions mentioned in the Order, and by the same or any subsequent Order to except certain offences from the application of this part of this Act, and to limit the application of this part of this Act by such conditions, exceptions, and qualifications as may be deemed expedient.

*Backing of Warrants.*

Backing in one British possession of warrant issued in another of same group.

**13.** Where in a British possession of a group to which this part of this Act applies a warrant has been issued for the apprehension of a person accused of an offence punishable by law in that possession, and such person is or is suspected of being in or on the way to another British possession of the same group, a magistrate in the last-mentioned possession, if satisfied that the warrant was issued by a person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend, within the jurisdiction of the endorsing magistrate, the person named in the warrant, and bring him before the endorsing magistrate or some other magistrate in the same British possession.

Return of prisoner apprehended under backed warrant

**14.** The magistrate before whom a person so apprehended is brought, if he is satisfied that the warrant is duly authenticated as directed by this Act and was issued by a person having lawful authority to issue the same, and is satisfied on oath that the prisoner is the person named or otherwise described in the warrant, may order such prisoner to be returned to the British possession in which the warrant was issued, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or any one or more of them, and to be held in custody and conveyed by sea or otherwise into the British possession in which the warrant was issued, there to be dealt with according to law as if he had been there apprehended. Such order for return may be made by warrant under the hand of the magistrate making it, and may be executed according to the tenor thereof.

A magistrate shall, so far as is requisite for the exercise of the powers of this section, have the same power, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

Backing in one British possession of summons, &c. of witness issued in another possession of same group.

**15.** Where a person required to give evidence on behalf of the prosecutor or defendant on a charge for an offence punishable by law in a British possession of a group to which this part of this Act applies, is or is suspected of being in or on his way to any other British possession of the same group, a judge, magistrate, or other officer who would have lawful authority to issue a summons, requiring the attendance of such witness, if the witness were within his jurisdiction, may issue a summons for the attendance of such witness, and a magistrate in any other British possession of the same group, if satisfied that the summons was issued by some judge, magistrate, or officer having lawful authority as aforesaid, may endorse the summons with his name; and the witness, on service in that possession of the summons, so endorsed, and on payment or tender of a reasonable amount for his expenses, shall obey the summons, and in default shall be liable to be tried and punished either in the possession in which he is served or in the possession in which the summons was issued, and shall be liable to the punishment imposed by the law of the possession in which he is tried for the failure of a witness to obey such a summons. The expression "summons" in this section includes any subpœna or other process for requiring the attendance of a witness.

Provisional warrant in group of British possessions.

**16.** A magistrate in a British possession of a group to which this part of this Act applies, before the endorsement in pursuance of this part of this Act of a warrant for the apprehension of any person, may issue a provisional warrant for the apprehension of that person, on such information and under such circumstances as would in his opinion justify the issue of a warrant if the offence of which such person is accused were an offence punishable by the law of the said possession, and had been committed within his jurisdiction, and such warrant may be backed and executed accordingly; provided that a person arrested under such provisional warrant shall be discharged unless the original warrant is produced and endorsed within such reasonable time as may under the circumstances seem requisite.

Discharge of prisoner not returned within one month to British possession of same group.

**17.** If a prisoner in a British possession whose return is authorised in pursuance of this part of this Act is not conveyed out of that possession within one month after the date of the warrant ordering his return, a magistrate or a superior court, upon application by or on behalf of the prisoner, and upon proof that reasonable notice of the intention to make such application has been given to the person holding the warrant and to the chief officer of the police of such possession or of the province or town where the prisoner is in custody, may, unless sufficient cause is shown to the contrary, order such prisoner to be discharged out of custody.

Any order or refusal to make an order of discharge by a magistrate under this section shall be subject to appeal to a superior court.

Sending back of prisoner not prosecuted or acquitted to British possession of same group.

**18.** Where a prisoner accused of an offence is returned in pursuance of this part of this Act to a British possession, and either is not prosecuted for the said offence within six months after his arrival in that possession or is acquitted of the said offence, the governor of that possession, if he thinks fit, may, on the requisition of such person, cause him to be sent back, free of cost, and with as little delay as possible, to the British possession in or on his way to which he was apprehended.

Refusal to return prisoner where offence too trivial.

**19.** Where the return of a prisoner is sought or ordered under this part of this Act, and it is made to appear to a magistrate or to a superior court that by reason of the trivial nature of the case, or by reason of the application for the return of such prisoner not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities of communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment, to return the prisoner either at all or until the expiration of a certain period, the court or magistrate may discharge the prisoner either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the magistrate or court seems just.

Any order or refusal to make an order of discharge by a magistrate under this section shall be subject to an appeal to a superior court.

## PART III.

### *Trial, &c. of Offences.*

Offences committed on boundary of two adjoining British possessions.

**20.** Where two British possessions adjoin, a person accused of an offence committed on or within the distance of five hundred yards from the common boundary of such possessions may be apprehended, tried, and punished in either of such possessions.

Offences committed on journey between two British possessions.

**21.** Where an offence is committed on any person or in respect of any property in or upon any carriage, cart, or vehicle whatsoever employed in a journey, or on board any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation, the person accused of such offence may be tried in any British possession through a part of which such carriage, cart, vehicle, or vessel passed in the course of the journey or voyage during which the offence was committed; and where the side, bank, centre, or other part of the road, river, lake, canal, or inland navigation along which the carriage, cart, vehicle, or vessel passed in the course of such journey or voyage is the boundary of any British possession, a person may be tried for such offence in any British possession of which it is the boundary:

Provided that nothing in this section shall authorise the trial for such offence of a person who is not a British subject, where it is not shown that the offence was committed in a British possession.

Trial of offence of false swearing or giving false evidence

**22.** A person accused of the offence (under whatever name it is known) of swearing or making any false deposition, or of giving or fabricating any false evidence, for the purposes of this Act, may be tried either in the part of Her Majesty's dominions in which such deposition or evidence is used, or in the part in which the same was sworn, made, given, or fabricated, as the justice of the case may require.

Supplemental provision as to trial of person in any place.

**23.** Where any part of this Act provides for the place of trial of a person accused of an offence, that offence shall, for all purposes of and incidental to the apprehension, trial, and punishment of such person, and of and incidental to any proceedings and matters preliminary, incidental to, or consequential thereon, and of and incidental to the jurisdiction of any court, constable, or officer with reference to such offence, and to any person accused of such offence, be deemed to have been committed in any place in which the person accused of the offence can be tried for it; and such person may be punished in accordance with the Courts (Colonial) Jurisdiction Act, 1874.

37 & 38 Vict. c. 27.

Issue of search warrant

**24.** Where a warrant for the apprehension of a person accused of an offence has been endorsed in pursuance of any part of this Act in any part of Her Majesty's dominions, or where any part of the Act provides for the place of trial of a person accused of an offence, every court and magistrate of the part in which the warrant is endorsed or the person accused of the offence can be tried shall have the same power of issuing a warrant to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that court or magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such court or magistrate.

Removal of prisoner by sea from one place to another.

**25.** Where a person is in legal custody in a British possession either in pursuance of this Act or otherwise, and such person is required to be removed in custody to another place in or belonging to the same British possession, such person, if removed by sea in a vessel belonging to Her Majesty or any of Her Majesty's subjects, shall be deemed to continue in legal custody until he reaches the place to which he is required to be removed; and the provisions of this Act with respect to the retaking of a prisoner who has escaped, and with respect to the trial and punishment of a person guilty of the offence of escaping or attempting to escape, or aiding or attempting to aid a prisoner to escape, shall apply to the case of a prisoner escaping while being lawfully removed as aforesaid, in like manner as if he were being removed in pursuance of a warrant endorsed in pursuance of this Act.

## PART IV.

### SUPPLEMENTAL.

### *Warrants and Escape.*

Endorsement of warrant.

**26.** An endorsement of a warrant in pursuance of this Act shall be signed by the authority endorsing the same, and shall authorise all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within the part of Her Majesty's dominions or place within which such endorsement is by this Act made a sufficient authority, by apprehending the person named in it, and bringing him before some magistrate in the said part or place, whether the magistrate named in the endorsement or some other.

For the purposes of this Act every warrant, summons, subpœna, and process, and every endorsement made in pursuance of this Act thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

Conveyance of fugitives and witnesses.

**27.** Where a fugitive or prisoner is authorised to be returned to any part of Her Majesty's dominions in pursuance of Part One or Part Two of this Act, such fugitive or prisoner may be sent thither in any ship belonging to Her Majesty or to any of her subjects.

For the purpose afore aid, the authority signing the warrant for the return may order the master of any ship belonging to any subject of Her Majesty bound to the said part of Her Majesty's dominions to receive and afford a passage and subsistence during the voyage to such fugitive or prisoner, and to the person having him in custody, and to the witnesses, so that such master be not required to receive more than one fugitive or prisoner for every hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage.

The said authority shall endorse or cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness [illegible]nt in her as the Board of Trade from time to time require.

Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable, there to be dealt with according to law.

Every master who fails on payment or tender of a reasonable amount for expenses to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable on summary conviction to a fine not exceeding fifty pounds, which may be recovered in any part of Her Majesty's dominions in like manner as a penalty of the same amount under the Merchant Shipping Act, 1854, and the Acts amending the same.

17 & 18 Vict. c. 104.

Escape of prisoner from custody.

**28.** If a prisoner escape, by breach of prison or otherwise, out of the custody of a person acting under a warrant issued or endorsed in pursuance of this Act, he may be retaken in the same manner as a person accused of a crime against the law of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

A person guilty of the offence of escaping or of attempting to escape, or of aiding or attempting to aid a prisoner to escape, by breach of prison or otherwise, from custody under any warrant issued or endorsed in pursuance of this Act, may be tried in any of the following parts of Her Majesty's dominions, namely, the part to which and the part from which the prisoner is being removed, and the part in which the prisoner escapes and the part in which the offender is found.

*Evidence.*

Depositions to be evidence, and authentication of depositions and warrants.

**29.** A magistrate may take depositions for the purposes of this Act in the absence of a person accused of an offence in like manner as he might take the same if such person were present and accused of the offence before him.

Depositions (whether taken in the absence of the fugitive or otherwise) and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act.

Provided that nothing in this Act shall authorise the reception of any such depositions, copies, certificates, or documents in evidence against a person upon his trial for an offence.

Warrants and depositions, and copies thereof, and official certificates of or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge, magistrate, or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the oath of some witness, or by being sealed with the official seal of a Secretary of State, or with the public seal of a British possession, or with the official seal of a governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession.

And all courts and magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents authenticated by it.

*Miscellaneous.*

Provision as to exercise of jurisdiction by magistrates.

**30.** The jurisdiction under Part One of this Act to hear a case and commit a fugitive to prison to await his return shall be exercised,—

(1.) In England, by a chief magistrate of the metropolitan police courts or one of the other magistrates of the metropolitan police court at Bow Street; and

(2.) In Scotland, by the sheriff or sheriff substitute of the county of Edinburgh; and

(3.) In Ireland, by one of the police magistrates of the Dublin metropolitan police district; and

(4.) In a British possession, by any judge, justice of the peace, or other officer having the like jurisdiction as one of the magistrates of the metropolitan police court in Bow Street, or by such other court, judge, or magistrate as may be from time to time provided by an Act or ordinance passed by the legislature of that possession.

If a fugitive is apprehended and brought before a magistrate who has no power to exercise the jurisdiction under this Act in respect of that fugitive, that magistrate shall order the fugitive to be brought before some magistrate having that jurisdiction, and such order shall be obeyed.

Power as to making and revocation of Orders in Council.

**31.** It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes of this Act, and to revoke and vary any Order so made, and every Order so made shall while it is in force have the same effect as if it were enacted in this Act.

An Order in Council made for the purposes of this Act shall be laid before Parliament as soon as may be after it is made if Parliament is then in session, or if not, as soon as may be after the commencement of the then next session of Parliament.

Power of legislature of British possession to pass laws for carrying into effect this Act.

**32.** If the legislature of a British possession pass any Act or ordinance—

(1.) For defining the offences committed in that possession to which this Act or any part thereof is to apply; or

(2.) For determining the court, judge, magistrate, officer, or person by whom and the manner in which any jurisdiction or power under this Act is to be exercised; or

(3.) For payment of the costs incurred in returning a fugitive or a prisoner, or in sending him back if not prosecuted or if acquitted, or otherwise in the execution of this Act; or

(4.) In any manner for the carrying of this Act or any part thereof into effect in that possession,

it shall be lawful for Her Majesty by Order in Council to direct, if it seems to Her Majesty in Council necessary or proper for carrying into effect the objects of this Act, that such Act or ordinance, or any part thereof, shall with or without modification or alteration be recognised and given effect to throughout Her Majesty's dominions and on the high seas as if it were part of this Act.

*Application of Act.*

Application of Act to offences at sea or triable in several parts of Her Majesty's dominions

**33.** Where a person accused of an offence can, by reason of the nature of the offence, or of the place in which it was committed, or otherwise, be, under this Act or otherwise, tried for or in respect of the offence in more than one part of Her Majesty's dominions, a warrant for the apprehension of such person may be issued in any part of Her Majesty's dominions in which he can, if he happens to be there, be tried; and each part of this Act shall apply as if the offence had been committed in the part of Her Majesty's dominions where such warrant is issued, and such person may be apprehended and returned in pursuance of this Act, notwithstanding that in the place in which he is apprehended a court has jurisdiction to try him:

Provided that if such person is apprehended in the United Kingdom a Secretary of State, and if he is apprehended in a British possession, the governor of such possession, may, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case, it would be conducive to the interests of justice so to do, order such person to be tried in the part of Her Majesty's dominions in which he is apprehended, and in such case any warrant previously issued for his return shall not be executed.

Application of Act to convicts

**34.** Where a person convicted by a court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere, is unlawfully at large before the expiration of his sentence, each part of this Act shall apply to such person, so far as is consistent with the tenor thereof, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted.

Application of Act to removal of person triable in more than one part of Her Majesty's dominions

**35.** Where a person accused of an offence is in custody in some part of Her Majesty's dominions, and the offence is one for or in respect of which, by reason of the nature thereof or of the place in which it was committed or otherwise, a person may under this Act or otherwise be tried in some other part of Her Majesty's dominions, in such case a superior court, and also if such person is in the United Kingdom a Secretary of State, and if he is in a British possession the governor of that possession, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case, it would be conducive to the interests of justice so to do, may by warrant direct the removal of such offender to some other part of Her Majesty's dominions in which he can be tried, and the offender may be returned, and, if not prosecuted or acquitted, sent back free of cost in like manner as if he were a fugitive returned in pursuance of Part One of this Act, and the warrant were a warrant for the return of such fugitive, and the provisions of this Act shall apply accordingly.

Application of Act to foreign jurisdiction.

**36.** It shall be lawful for Her Majesty from time to time by Order in Council to direct that this Act shall apply as if, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, any place out of Her Majesty's dominions in which

Her Majesty has jurisdiction, and which is named in the Order, were a British possession, and to provide for carrying into effect such application.

Application of Act to, and execution of warrant in United Kingdom, Channel Islands, and Isle of Man.

**37.** This Act shall extend to the Channel Islands and Isle of Man as if they were part of England and of the United Kingdom, and the United Kingdom and those islands shall be deemed for the purpose of this Act to be one part of Her Majesty's dominions; and a warrant endorsed in pursuance of Part One of this Act may be executed in every place in the United Kingdom and the said islands accordingly.

Application of Act to past offences.

**38.** This Act shall apply where an offence is committed before the commencement of this Act, or, in the case of Part Two of this Act, before the application of that part to a British possession or to the offence, in like manner as if such offence had been committed after such commencement or application.

*Definitions and Repeal.*

Definition of terms.

**39.** In this Act, unless the context otherwise requires,—

"Secretary of State:"

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"British possession:"

The expression "British possession" means any part of Her Majesty's dominions, exclusive of the United Kingdom, the Channel Islands, and Isle of Man; all territories and places within Her Majesty's dominions which are under one legislature shall be deemed to be one British possession and one part of Her Majesty's dominions:

"Legislature:"

The expression "legislature," where there are local legislatures as well as a central legislature, means the central legislature only:

"Governor:"

The expression "governor" means any person or persons administering the government of a British possession, and includes the governor and lieutenant governor of any part of India:

"Constable:"

The expression "constable" means, out of England, any policeman or officer having the like powers and duties as a constable in England:

"Magistrate:"

The expression "magistrate" means, except in Scotland, any justice of the peace, and in Scotland means a sheriff or sheriff substitute, and in the Channel Islands, Isle of Man, and a British possession means any person having authority to issue a warrant for the apprehension of persons accused of offences and to commit such persons for trial:

"Offence punishable on indictment:"

The expression "offence punishable on indictment" means, as regards India, an offence punishable on a charge or otherwise:

"Oath:"

The expression "oath" includes affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing, and the expression "swear" and other words relating to an oath or swearing shall be construed accordingly:

"Deposition:"

The expression "deposition" includes any affidavit, affirmation, or statement made upon oath as above defined:

"Superior court."

The expression "superior court" means:

(1.) In England, Her Majesty's Court of Appeal and High Court of Justice; and

(2.) In Scotland, the High Court of Justiciary; and

(3.) In Ireland, Her Majesty's Court of Appeal and Her Majesty's High Court of Justice at Dublin; and

(4.) In a British possession, any court having in that possession the like criminal jurisdiction to that which is vested in the High Court of Justice in England, or such court or judge as may be determined by any Act or ordinance of that possession.

Commencement of Act.

**40.** This Act shall come into operation on the first day of January one thousand eight hundred and eighty-two, which date is in this Act referred to as the commencement of this Act.

Repeal of Act in Schedule.

**41.** The Act specified in the Schedule to this Act is hereby repealed as from the commencement of this Act:

Provided that this repeal shall not affect—

(*a.*) Any warrant duly endorsed or issued, nor anything duly done or suffered before the commencement of this Act; nor

(*b.*) Any obligation or liability incurred under an enactment hereby repealed; nor

(*c*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*d.*) Any legal proceeding or remedy in respect of any such warrant, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such warrant may be endorsed and executed, and any such legal proceeding and remedy may be carried on, as if this Act had not passed.

## SCHEDULE.

| Year and Chapter. | Title. |
|---|---|
| 6 & 7 Vict. c. 34. - - | An Act for the better apprehension of certain offenders. |

# CHAPTER 70.

## An Act to continue various expiring Laws.

[27th August 1881.]

WHEREAS the several Acts mentioned in column one of the schedule to this Act are, to the extent specified in column two of that schedule, limited to expire on the thirty-first day of December one thousand eight hundred and eighty-one:

And whereas it is expedient to provide for the continuance as in this Act mentioned of such Acts, and of the enactments amending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Expiring Laws Continuance Act, 1881.

Continuance of Acts in schedule.

**2.** The Acts mentioned in column one of the schedule to this Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the thirty-first day of December one thousand eight hundred and eighty-two, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.

## SCHEDULE.

| 1. Original Acts. | 2. How far continued. | 3. Amending Acts. |
|---|---|---|
| (1) | | |
| 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland). | The whole Act so far as it is not repealed | 3 & 4 Vict. c 91. (except ss. 18 and 23).<br>5 & 6 Vict. c. 68.<br>7 & 8 Vict. c. 47.<br>30 & 31 Vict. c. 60. |
| (2) | | |
| 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption | The whole Act. | — |
| (3) | | |
| 4 & 5 Vict. c. 35. Copyhold, Inclosure, and Tithe Commissioners. | So much as relates to the appointment of and the period for holding office by Commissioners and other officers. | 14 & 15 Vict. c. 53.<br>25 & 26 Vict. c. 73. |
| (4) | | |
| 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads. | The whole Act. | — |
| (5) | | |
| 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland). | As to powers of Commissioners. | 12 & 13 Vict. c. 59<br>13 & 14 Vict. c. 31.<br>25 & 26 Vict. c. 29.<br>29 & 30 Vict. c. 40. |
| (6) | | |
| 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction. | As to provisions continued by 21 & 22 Vict. c. 50. | — |
| (7) | | |
| 11 & 12 Vict. c. 32. County Cess (Ireland). | The whole Act - - - | 20 & 21 Vict. c. 7. |
| (8) | | |
| 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management. | The whole Act so far as it is not repealed. | 17 & 18 Vict. c. 116.<br>21 & 22 Vict. c. 94<br>22 & 23 Vict. c. 46<br>23 & 24 Vict. c. 124<br>31 & 32 Vict. c. 114 s. 10. |
| (9) | | |
| 17 & 18 Vict. c. 102. Corrupt Practices Prevention. | The whole Act so far as it is not repealed. | 21 & 22 Vict. c. 87.<br>26 & 27 Vict. c. 29.<br>31 & 32 Vict. c 125 |
| (10) | | |
| 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland). | The whole Act. | — |
| (11) | | |
| 24 & 25 Vict. c. 109. Salmon Fishery (England) Act. | As to appointment of inspectors, s. 31. | — |

| 1. Original Acts. | 2. How far continued. | 3. Amending Acts. |
|---|---|---|
| (12) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland). | As to the powers of Commissioners, &c. | 26 & 27 Vict. c. 50.<br>27 & 28 Vict. c. 118. |
| (13) 26 & 27 Vict. c. 105. Promissory Notes. | The whole Act. | — |
| (14) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland). | The whole Act. | — |
| (15) 28 & 29 Vict. c. 46. Militia Ballots Suspension. | The whole Act. | — |
| (16) 28 & 29 Vict. c. 83. Locomotives on Roads. | The whole Act so far as it is not repealed. | 41 & 42 Vict. c. 58.<br>41 & 42 Vict. c. 77. (Part II.) |
| (17) 29 & 30 Vict. c. 52. Prosecution Expenses. | The whole Act. | — |
| (18) 31 & 32 Vict. c. 125. Election Petitions and Corrupt Practices. | The whole Act - - | 42 & 43 Vict. c. 75. |
| (19) 32 & 33 Vict. c. 21. Election Commissioners Expenses. | The whole Act - - | 34 & 35 Vict. c. 61. |
| (20) 32 & 33 Vict. c. 42. Irish Church | So much as relates to the period for holding office by Commissioners and officers (s. 9). | — |
| (21) 34 & 35 Vict. c. 87. Sunday Observance Prosecutions. | The whole Act. | — |
| (22) 35 & 36 Vict. c. 33. Parliamentary and Municipal Elections (Ballot). | The whole Act - - | 38 & 39 Vict. c. 40. (Municipal Elections.) |
| (23) 38 & 39 Vict. c. 48. Police Expenses. | The whole Act. | — |
| (24) 38 & 39 Vict. c. 84. Returning Officers Expenses. | The whole Act. | — |
| (25) 39 & 40 Vict. c. 21. Juries (Ireland). | The whole Act. | — |
| (26) 41 & 42 Vict. c. 41. Returning Officers Expenses (Scotland). | The whole Act. | — |
| (27) 43 Vict. c. 18. Parliamentary Elections. | The whole Act except so far as it continues any other Act. | — |

# CHAPTER 71.

An Act to make provision for the future administration of the Property and the performance of the Duties vested in the Commissioners of Church Temporalities in Ireland. [27th August 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Irish Church Act Amendment Act, 1881.

Dissolution of Church Temporalities Commission.

**2.** On a day to be fixed by the Lord Lieutenant, by Order in Council, the Corporation of the Commissioners of Church Temporalities in Ireland shall, notwithstanding anything contained in any Expiring Laws Continuance Act, be dissolved. Such order shall not be made unless a corporate body under the title of "the Irish Land Commission," to whom the property vested in the Commissioners of Church Temporalities may be transferred under this Act, has previously been constituted by statute.

Transfer of property and powers. 32 & 33 Vict. c. 42.

On the dissolution of the said Corporation the following provisions shall take effect with relation to the property belonging to them as such Corporation, and with respect to their powers under the Irish Church Act, 1869:

(1.) All lands, tenements, and hereditaments, and every estate and interest therein, and all fixtures and furniture belonging to the Commissioners of Church Temporalities in Ireland in their capacity as such Commissioners, shall, without any conveyance or assignment thereof, be vested in the Irish Land Commission, to be held for the same uses, trusts, and purposes for which the same were held respectively previous to the passing of this Act. The house No. 24, Upper Merrion Street, in the city of Dublin, now occupied as an office by the Commissioners of Church Temporalities, and all fixtures and furniture therein, may be used by the Irish Land Commission for any of the purposes for which the said Land Commission is constituted. The said Irish Land Commission shall be entitled to the benefits of all covenants, conditions, or agreements in relation to the premises so transferred, express or implied, and to maintain all actions, suits, and other proceedings grounded thereon in their own name; and the said Commission shall in like manner be liable to all payments, reservations, covenants, conditions, and agreements, express or implied, in respect of the same premises respectively, as fully as the Commissioners of Church Temporalities in Ireland would have been if this Act had not been passed: Provided always, that nothing herein contained shall affect any action or other proceeding which may have been commenced before the passing of this Act, but the same may proceed, with the like consequences and results, as if this Act had not been passed.

(2.) All moneys, stocks, and securities standing in the name of the Commissioners of Church Temporalities in Ireland in the

books of the Bank of Ireland, shall be entered in or transferred to the name of the Irish Land Commission, and be subject to the same trusts and powers as the same were liable to before the dissolution of the Commissioners of Church Temporalities; and the Governor and Company of the Bank of Ireland, under instructions from the Treasury, are hereby authorised and required to make the aforesaid entry or transfer in their books.

(3.) All records and documents in the possession of the Commissioners of Church Temporalities at the time of their dissolution shall be transferred to the Irish Land Commission, who shall retain such of them as are in their opinion necessary for the management of the property transferred to them under this Act. The Land Commission shall preserve all such records and documents, and shall permit reasonable access to them, and shall from time to time lodge such of them as have ceased to be necessary for the aforesaid purpose in the Public Record Office of Ireland.

(4.) Any obligation, security, or chose in action vested in the Commissioners of Church Temporalities may be proceeded upon by the Irish Land Commission in their own name as the same might have been proceeded upon by the Commissioners of Church Temporalities.

(5.) All the powers, authorities, and duties, rights, titles, and interests, vested in or exercised by the Commissioners of Church Temporalities in Ireland under the Irish Church Act, 1869, or any Act amending the same, and which are in force at the time of the dissolution of the said corporation, shall vest in and devolve upon and be exercised by, the Irish Land Commission, who shall, for the purposes of such Acts, be deemed to be the successors of the Commissioners of Church Temporalities in Ireland.

32 & 33 Vict. c. 42.

Transfer of officers

**3.** If any person who has been serving in the office of the Commissioners of Church Temporalities shall be appointed to a situation under the Irish Land Commission, such person shall hold his situation in all respects by the same tenure and on the same conditions as the persons appointed to similar situations under the Irish Land Commission without having served in the office of the Commissioners of Church Temporalities in Ireland, except that no such person who is qualified to receive under the forty-fourth section of the Irish Church Act, 1869, an annual sum on retirement from the service of the Commissioners of Church Temporalities shall forfeit his right under that section by being appointed to a situation under the Irish Land Commission.

Notwithstanding the dissolution before the thirty-first day of December next after the passing of this Act, under the provision in that behalf herein-before contained, of the corporation of the Commissioners of Church Temporalities in Ireland, the Treasury may, if they see fit, direct that the salaries of the said Commissioners, and of all persons employed by them on salary, and not appointed to situations entitling them at the same time to receive salaries under the Irish Land Commission, shall continue, up to the thirty-first day of December next after the passing of

this Act, to be paid out of the property transferred by this Act to the Irish Land Commission.

The annual sum on retirement which any person is qualified to receive under the said forty-fourth section of the Irish Church Act, 1869, shall be ascertained immediately after the passing of this Act, in the manner prescribed by the said section, as if the date of such person's retirement were the thirty-first day of December next after the passing of this Act, and such annual sum shall begin to be paid from that date to the person entitled to receive the same, provided that such person does not receive an appointment under the Irish Land Commission, or any other appointment of which the salary or remuneration is provided out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of moneys voted by Parliament. If any person to whom such an annual sum is payable receives an appointment under the Irish Land Commission, or an appointment of which the salary or remuneration is provided as last aforesaid, the payment of the said annual sum shall be subject to the same conditions as if it were a superannuation allowance or compensation within the meaning of the twentieth section of the Act of the fourth and fifth years of the reign of His late Majesty King William the Fourth, chapter twenty-four, and as if the appointment which such person has received were in all respects an appointment in a public department within the meaning of the said section.

Account of church funds.

**4.** A separate account shall be kept by the Irish Land Commission of the property transferred to them under this Act.

The Irish Land Commission, with the sanction of the Treasury, shall fix, and may from time to time, with the like sanction, vary, the amount of such an annual sum of money as in their judgment shall represent the average annual cost of administering and managing the said property, and the sum fixed by the Irish Land Commission shall be transferred from the account of the said property to the account of the Irish Land Commission, and shall be in full discharge of all payments due to them for the management and administration of the said property during the year in respect of which such transfer shall have been made, and every such sum so transferred shall be accounted for by the Irish Land Commissioners as the Treasury shall from time to time direct.

## CHAPTER 72.

### An Act to amend certain provisions of the Highways and Locomotives (Amendment) Act, 1878.

[27th August 1881.]

WHEREAS it is expedient to amend certain provisions of the Highways and Locomotives (Amendment) Act, 1878, (in this Act referred to as "the principal Act,") so far as such provisions relate to the exemption of certain places from the levying or collection of county rate: 41 & 42 Vict. c. 77.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of s. 13 of 41 & 42 Vict c. 77.

1. From and after the passing of this Act section thirteen of the principal Act shall be read and construed as though the following words were inserted therein:

"Provided further, that no part of such expenses incurred from and after the twenty-ninth day of September one thousand eight hundred and eighty-one shall be included in any precept or warrant issued by the county authority for the county of Southampton for the levying or collection within the Isle of Wight of the county rate for the said county."

# APPENDIX AND INDEX.

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1. TABLE OF THE TITLES OF THE LOCAL AND PRIVATE ACTS PASSED DURING THE SESSION.

2. LIST OF THE LOCAL AND PRIVATE ACTS, ARRANGED IN CLASSES.

3. TABLES SHOWING THE EFFECT OF THE YEAR'S LEGISLATION

4 INDEX TO THE PUBLIC GENERAL STATUTES.

# TABLE

OF

## The TITLES of the LOCAL and PRIVATE ACTS passed during the Session.

## LOCAL ACTS.

*The Titles to which the Letter* **P.** *is prefixed are Public Acts of a Local Character.*


**P. i.** AN Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Godalming, the Improvement Act District of Lytham, and the Borough of Stratford-upon-Avon.

**ii.** An Act to authorise the Cambridge University and Town Gaslight Company to acquire additional land and erect additional gasworks, and to raise further money.

**P. iii.** An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the towns of Clonakilty, Dromore, and Navan

**iv.** An Act for making and maintaining a Road and Bridge across the River Stour in the Parish of Christchurch and County of Southampton.

**v.** An Act for making a Railway from Appledore to Lydd, in the county of Kent, and for other purposes.

**vi.** An Act for rendering valid certain Letters Patent granted to James Hancock for Improvements in Bobbin Net or Twist Lace Machines.

**vii.** An Act to authorise the Australian Agricultural Company to borrow further moneys on debenture.

**viii.** An Act for increasing the Capital of the Hylton Southwick and Monkwearmouth Railway Company and for other purposes.

**ix.** An Act for conferring additional powers on the Manchester Sheffield and Lincolnshire Railway Company and for other purposes.

**x.** An Act for regulating the Capital of the Colonial Company Limited and for other purposes.

**xi.** An Act to provide for the Dissolution of the Lesmahagow Railways Guaranteed Company, the Dundee and Perth and Aberdeen Railway Junction Company, and the Forth and Clyde Navigation Guaranteed Company, and for the Conversion of the Stocks of those Companies into Annuities Stock of the Caledonian Railway Company; and for other purposes.

**xii.** An Act to extend the time limited for the compulsory purchase of Lands and completion of the Railway and Works authorised by the Ramsey and Somersham Junction Railway Acts 1875 and 1878 and for other purposes.

**xiii.** An Act to revive and extend the Powers of the Cleveland Extension Mineral Railway Company.

**xiv.** An Act to make further Provisions with respect to the Police Superannuation Fund of the City of Liverpool and for other purposes.

**P. xv.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the City and Borough of Bath, the Local Government District of Bowness, the Improvement Act District of Cambridge, the Borough of Derby, the Port of Hartlepool, and the Local Government District of Wigton.

**P. xvi.** An Act to confirm a Provisional Order of the Local Government Board under the Highways and Locomotives (Amendment) Act, 1878, relating to the East Riding of the county of York.

**P. xvii.** An Act to confirm certain Orders of the Local Government Board under the provisions of the Divided Parishes and Poor Law Amendment Act, 1876, as amended and extended by the Poor Law Act, 1879, relating to the Parishes of Asgarby, Bolingbroke, Boston, Carrington, Chesilborne, Frieston, Hagnaby, Hareby, Hundleby, Keal West, Leverton, Lusby, Mavis Enderby, Milton Abbas, Miningsby, Owermoigne, Reithby, Revesby, Spilsby, Stickford, and Thorpe, and to the Townships of Asselby, Balkholme, Barmby-on-the-Marsh, Bellasize, Blacktoft, Cotness, Eastrington, Gilberdike, Kendal, Kilpin, Knedlington, Laxton, Metham, Nether Graveship, Saltmarsh, Skelton and Yokefleet.

**P. xviii.** An Act to confirm a Scheme under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating to Brook Green, Eel Brook Common, Parson's Green, and another piece of waste land adjoining the King's Road.

**P. xix.** An Act to confirm the Provisional Order for the Regulation of certain lands known as Langbar Moor, situate in the township of Nesfield-with-Langbar, in the parish of Ilkley, in the county of York, in pursuance of a report of the Inclosure Commissioners for England and Wales.

**P. xx.** An Act to confirm the Provisional Order for the Regulation of certain lands known as Beamsley Moor, situate in the township of Beamsleys Both, in the parish of Skipton, in the county of York, in pursuance of the report of the Inclosure Commissioners for England and Wales.

**P. xxi.** An Act to confirm the Provisional Orders for the Inclosure of certain lands called or known as Scotton and Ferry Common, situate in the parish of Scotton, in the county of Lincoln, in pursuance of a report of the Inclosure Commissioners for England and Wales.

**P. xxii.** An Act to confirm the Provisional Order for the Inclosure of certain lands called or known as Wibsey Slack and Low Moor Commons, situate in the township of North Bierley, in the parish of Bradford, in the county of York, in pursuance of a report of the Inclosure Commissioners for England and Wales.

**xxiii.** An Act to further extend the time for the completion of the North and South Woolwich Subway.

**xxiv.** An Act for reviving the powers and extending the time for the completion of a portion of the Railway and Works authorised by the Brading Harbour Improvement Railway and Works Act 1874 and for other purposes

**xxv.** An Act to authorise the Metropolitan Railway Company to make part of Railway No. 1 authorised by the Metropolitan and District (City Lines and Extensions) Act 1879 to make Agreements with respect to the widening of part of the Saint John's Wood Railway and to raise additional Capital also to authorise that company and the Great Western Railway Company to purchase additional Lands and for other purposes.

**xxvi.** An Act to extend and amend enactments relating to the Company of Proprietors of the Sheffield Waterworks and for other purposes.

**xxvii.** An Act for incorporating the Westgate and Birchington Gas Company and conferring powers on them with reference to the construction and maintenance of works the supply of Gas and otherwise; and for other purposes.

**xxviii.** An Act to authorise the Paisley Waterworks Commissioners to construct additional works; and for other purposes.

**xxix.** An Act to enable the Byker Bridge Company (Newcastle-upon-Tyne) to raise additional Capital and to acquire Land.

**xxx.** An Act for conferring additional powers upon the Sevenoaks Gas Company, and for other purposes.

**xxxi.** An Act to amend the Canada Company's Act of 1856, and to confer further powers upon the Company, and for other purposes relating thereto.

**xxxii.** An Act to confer further powers upon the Fylde Waterworks Company; and for other purposes.

**xxxiii.** An Act to extend the time for completing certain works in connexion with the London and Blackwall Railway.

**xxxiv.** An Act for the Abandonment of the Penarth, Sully, and Barry Railway.

**xxxv.** An Act for enabling the Richmond Gas Company to raise additional Capital, to enlarge their Works, and for other purposes.

**xxxvi.** An Act for making further provision respecting the Capital and Undertaking of the Crystal Palace Company and for other purposes.

**xxxvii.** An Act for authorising the sale or transfer to the Great Eastern Railway Company of the Undertaking of the East Norfolk Railway Company; and for other purposes.

**xxxviii.** An Act to incorporate the North Level Commissioners and to enable them to lay an additional tax on lands within their district and to borrow further money to amend the Nene Outfall Acts and for other purposes.

**xxxix.** An Act for continuing and maintaining a United Constabulary Force in and for the University and City of Oxford.

**xl.** An Act to amend the Acts relating to the Company of Proprietors of the Coventry Canal Navigation; and for other purposes.

**xli.** An Act for extending the Powers of the Railway Passengers Assurance Company, and enabling them to grant Insurances against Liability for Compensation in respect of Death or Injury occasioned by Accident; and for other purposes.

**xlii.** An Act to revive the powers of the Ruthin and Cerrig-y-druidion Railway Company for the compulsory Purchase of Lands for making and to extend the time for completing the Railway authorised by the Ruthin and Cerrig-y-druidion Railway Act, 1876.

**xliii.** An Act to enable the Great Northern Railway Company (Ireland) to extend their Railway to Carrickmacross in the county of Monaghan and to Belturbet in the county of Cavan and for other purposes.

**xliv.** An Act to re-incorporate with further Powers the Hexham Gaslight Company Limited.

**xlv.** An Act to extend the time for the completion of certain of the Tramways authorised by the Saint Helens and District Tramways Act 1879.

**xlvi.** An Act for empowering the Gosport Street Tramways Company to extend their authorised Tramways and for other purposes.

**xlvii.** An Act for empowering the London and North-western and the Midland Railway Companies to make a new Railway and other Works at Market Harborough and for other purposes.

**xlviii.** An Act to confer further powers upon the Cleator and Workington Junction Railway Company for the extension of their railways and for other purposes.

**xlix.** An Act for authorising the Mersey Docks and Harbour Board to acquire and work vessels for the pilotage service of the port of Liverpool to borrow moneys for that purpose and to make byelaws for regulating the division amongst pilots of pilotage earnings and for altering the times of vacation of office by members of the Board and the times of nomination election and appointment of new members.

l. An Act for extending the limits of supply of the Eastbourne Waterworks Company and for conferring further powers on the Company for the construction of works the raising of money and otherwise in relation to their undertaking and for other purposes.

li. An Act to empower the Penarth Harbour Dock and Railway Company to extend their existing Dock and to execute other works in connexion therewith and to raise additional capital; and for other purposes.

lii. An Act for modifying the provisions relating to the completion of works; the borrowing and repayment of money; the application of dues and sums received by the Tyne Improvement Commissioners; and for other purposes.

liii. An Act for conferring additional powers upon the Hyde Gas Company; and for other purposes.

liv. An Act to confer further powers on the Burry Port and North-western Junction Railway Company; and for other purposes.

lv. An Act to extend the time for purchasing Lands and completing the Metropolitan City Lines and Extensions.

lvi. An Act for incorporating and conferring powers on the Alnwick Gas Company.

lvii. An Act to enable the West Lancashire Railway Company to purchase certain lands in the county of Lancaster and a branch railway or siding known as the Tarleton Branch Railway to raise further moneys and to confer further powers in relation to their undertaking on the Company and for other purposes.

lviii. An Act to enable the Milford Haven Dock and Railway Company to lease their Railway and Pier undertaking and for other purposes.

lix. An Act to authorise the construction of a Railway at Burton-upon-Trent by Messieurs Worthington and Company; and for other purposes.

lx. An Act for providing an additional supply of water to Kirkcaldy and Dysart and suburbs and places adjacent; and for other purposes.

P. lxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Berwick-upon-Tweed and Cheltenham, the Urban Sanitary District of Folkestone, the Rural Sanitary District of the Hendon Union, the Metropolis, and the Local Government Districts of Redruth, Swinton, and Willington.

P. lxii. An Act to confirm certain Orders of the Local Government Board under the provisions of the Divided Parishes and Poor Law Amendment Act, 1876, as amended and extended by the Poor Law Act, 1879, relating to the Parishes of Bromsgrove, Claines, Dodderhill, Grafton Manor, Hadsor, Hampton Lovett, Hanbury, Hinlip, In-Liberties, Pelhams Lands, Saint Andrew, Saint Nicholas, Saint Peter, Salwarpe, Swineshead, Upton Warren, and Warndon.

P. lxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Brentford Union, the Bromley and Beckenham Joint Hospital District, the Local Government District of Burgess Hill, the Rural Sanitary District of the Cuckfield Union, the Local Government District of Houghton-le-Spring, the Special Drainage District of Hurstpierpoint, the Local Government District of Marple, the Stourbridge Main Drainage District, and the Rural Sanitary District of the Whitehaven Union.

P. lxiv. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for the United School District of Clay Lane, Derby, to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

P. lxv. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the towns of Bandon and Bangor, and in the Little Island in the county of Cork.

P. **lxvi.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Halifax and Leeds, and the City of Manchester.

P. **lxvii.** An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Borough of Bridgnorth.

P. **lxviii.** An Act to confirm a Provisional Order of the Local Government Board relating to the Borough of Birmingham.

P. **lxix.** An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the towns of Ballymena, Belmullet, and Enniskerry.

P. **lxx.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government District of Cottingham, the Lanchester Joint Hospital District, and the Improvement Act District of Middleton and Tonge.

**lxxi.** An Act for extending the boundaries of the burgh of Irvine for municipal and police purposes; for empowering the Corporation to widen and improve streets, and to supply gas and water; and for other purposes.

**lxxii.** An Act to enable the mayor aldermen and burgesses of the borough of Leicester to construct additional Flood Works and for other purposes.

**lxxiii.** An Act to confer further powers on the Lord Provost, Magistrates, and Town Council of the Royal Burgh and City of Aberdeen, for municipal, police, and other purposes.

**lxxiv.** An Act for extending the time for the compulsory purchase of lands and for the construction of the works authorised by the Cheltenham Corporation Water Act 1878 for extending the limits of water supply of the Corporation and for other purposes.

**lxxv.** An Act to enable the Town of Dudley Gaslight Company to raise a further Sum of Money.

**lxxvi.** An Act to enable the Matlock Waterworks Company to acquire additional land to raise further capital and for other purposes.

**lxxvii.** An Act to enable the Local Board for the district of Ryton (Parish), in the county of Durham, to acquire Waters and lands for the purposes of their Water undertaking.

**lxxviii.** An Act to authorise the Cleator Moor Local Board to construct Waterworks for the supply of water to their district and to make further provision for the government of their district and for other purposes.

**lxxix.** An Act for the Abandonment of the Glencairn Railway and for authorising the repayment of the money deposited for securing its completion.

**lxxx.** An Act to incorporate the Goole and District Gas and Water Company; to enable them to acquire the Gas Undertaking at Goole belonging to the Undertakers of the Navigation of the Rivers of Aire and Calder, in the county of York; to construct Waterworks; and for other purposes.

**lxxxi.** An Act for enabling the Local Board for the District of West Ham, in the county of Essex, to make certain alterations and to maintain certain Works in and upon the Embankment of the Northern Outfall Sewer vested in the Metropolitan Board of Works, and to enlarge and add to their Town Hall and Offices; and for granting additional powers to the said Local Board; and for other purposes.

**lxxxii.** An Act to authorise the construction and maintenance of a railway from near the Beattock Station of the Caledonian Railway to Moffat; and for other purposes.

**lxxxiii.** An Act for empowering the Colne and Marsden Local Board to acquire the Colne Waterworks, to construct additional waterworks, to make street im-

provements, and to make better provision in relation to the disposal of the sewage, the holding of markets, and the good government of the district, and for other purposes.

**lxxxiv.** An Act for extending the powers of the Bingley Improvement Commissioners in relation to the supply of Water to their District, for empowering the Commissioners to make Street Improvements, and to make further provision for the Local Government of the District of the Commissioners; and for other purposes.

**lxxxv.** An Act for vesting in Commissioners the Harbour of Burntisland, in the County of Fife; for improving and maintaining the said Harbour; and for other purposes.

**lxxxvi.** An Act to enable the Metropolitan District Railway Company to make a junction at West Brompton and to confer other powers on the Company.

**lxxxvii.** An Act to confer further powers on the Charnwood Forest Railway Company, and to authorise a diversion of part of their authorised line; and for other purposes.

**lxxxviii.** An Act to constitute a body of Harbour Trustees for the management, maintenance, and regulation of the Harbour of Dumbarton; and for other purposes.

**lxxxix.** An Act for making better provision respecting the borrowing of money by the Commissioners of Sewers of the City of London for the purposes of the Artizans Dwellings Acts and for other purposes.

**xc.** An Act for further improving the drainage by the River Witham, in the County of Lincoln, and for amending the Acts relating thereto; and for other purposes.

**xci.** An Act to authorise the London Chatham and Dover Railway Company to construct a Railway in the County of Kent to be called the Maidstone and Faversham Junction Railway and for other purposes.

**xcii.** An Act to confer further powers on the London Chatham and Dover Railway Company in respect to the Maidstone and Ashford Railway.

**xciii.** An Act to authorise the London Chatham and Dover Railway Company to construct a Railway with a Bridge over the River Thames and for other purposes.

**xciv.** An Act to make further Provision respecting the Borrowing of Money by the Corporation of Kingston-upon-Hull and for other purposes.

**xcv.** An Act for authorising the Justices of the Peace for the County Palatine of Lancaster to construct Bridges over the Rivers Lune and Croal, and to consolidate the County Debt; and for other purposes.

**xcvi.** An Act to vest the undertaking of the Watford and Rickmansworth Railway Company in the London and North-western Railway Company; and for other purposes.

**xcvii.** An Act to confer further powers on the Midland Great Western Railway of Ireland Company; and for other purposes.

**P. xcviii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Askern and Atherton, the Borough of Birmingham, the Local Government Districts of Ecclesfield and Hampton Wick, the City of Liverpool, the Borough of Middlesbrough, and the Local Government Districts of Selby and Shirley.

**P. xcix.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Horfield and Teignmouth.

**P. c.** An Act to confirm the Provisional Order for the inclosure of certain lands called or known as Thurstaston Common, situate in the parish of Thurstaston, in the county of Chester, in pursuance of a report of the Inclosure Commissioners for England and Wales.

**P. ci.** An Act to confirm certain Provisional Orders under the Land Drainage Act, 1861.

**P. cii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Birmingham, Tame, and Rea Main Sewerage District, the Local Government Districts of Cowpen and Leigh, the Borough of Nottingham, and the Local Government District of Risca.

**P. ciii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brentford Gas, Chichester Gas, Ely Gas, Grays Thurrock Gas, Ilford Gas, Kirkham Gas, Northfleet and Greenhithe Gas, Pinner Gas, Staines and Egham Gas, Stone Gas, and Waltham Abbey and Cheshunt Gas; and to amend the Gas and Water Works Facilities Act, 1870, in so far as relates to the district of the Brentford Gas Company.

**P. civ.** An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Burghead, Cart, Crarae, Devonport, Folkestone, Folkestone (Central), Girvan, Leven, Lochaline, Penarth, Peterhead, Pittenweem, Ramsgate, Sandhaven, Shanklin, Stornoway, Weston-super-Mare, and Whitby.

**P. cv.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bootle-cum-Linacre Corporation Tramways, Gravesend, Rosherville, and Northfleet Tramways, Jarrow and Hebburn and District Tramways, Liverpool Corporation Tramways (Extension), Manchester Corporation Tramways, Middlesbrough Tramways (Extensions), North Staffordshire Tramways (Extensions), Rusholme Local Board Tramways, Shipley Tramways, South Gosforth Tramways, South Shields Corporation Tramways, Woolwich and South-east London Tramways, and York Tramways (Extensions).

**cvi.** An Act to confer further powers on the Limerick and Kerry Railway Company, and other Companies.

**cvii.** An Act for making further Provision respecting the Borrowing of Money by the Corporation of Swansea; and for other purposes.

**cviii.** An Act to make provision for the payment of the debts of the East London Railway Company.

**cix.** An Act to incorporate the Ipswich Tramways Company, and to authorise the acquisition by them of Tramways in the borough of Ipswich, and to empower them to construct new Tramways; and for other purposes.

**cx.** An Act for authorising the construction of Works for supplying Sea Water to certain parts of London and other places; and for other purposes.

**cxi.** An Act for better supplying with Water the borough of Beverley, in the East Riding of the county of York.

**cxii.** An Act to authorise the Construction of a new Dock and other Works at Boston, in the county of Lincoln, and for conferring further Powers on the Mayor, Aldermen, and Burgesses of the borough of Boston in relation to the port and harbour of Boston.

**cxiii.** An Act to amalgamate the Montrose and Bervie Railway Company with the North British Railway Company; and for other purposes.

**cxiv.** An Act to enable the Warehouse Owners Company Limited to issue transferable certificates and warrants for the delivery of goods and for other purposes.

**CXV.** An Act to authorise the Hoylake and Birkenhead Rail and Tramway Company to extend their Railway to Seacombe; to change the name of the Company; and for other purposes.

**CXVI.** An Act for incorporating the Woking Water and Gas Company; and for other purposes.

**CXVII.** An Act for making a Railway from the Aylesbury and Buckingham Railway at Aylesbury to the Rickmansworth Extension Railway at Rickmansworth; and for other purposes.

**CXVIII.** An Act to revive the powers and extend the periods for the compulsory purchase of lands and for the construction of the Brighton and Dyke Railway.

**CXIX.** An Act for confirming an Agreement for the maintenance, working, and management of the Undertaking of the Cathcart District Railway Company by the Caledonian Railway Company; for enabling the Caledonian Railway Company to contribute to and hold shares in that Undertaking, to acquire the remaining shares in the Busby Railway Company, and to provide a Hotel at their Central Station in Glasgow; for dissolving the Busby Railway Company and vesting their Undertaking in the Caledonian Railway Company; and for other purposes.

**CXX.** An Act to extend the powers of the Standard Bank of British South Africa (Limited), and for other purposes relating thereto.

**CXXI.** An Act to extend the boundary of the borough of Barrow-in-Furness, to empower the Mayor, Aldermen, and Burgesses of the borough to make Tramways and new Streets, to confer further Borrowing Powers, to make better provision for the good government of the borough; and for other purposes.

**CXXII.** An Act to enable the Mayor, Aldermen, and Burgesses of the borough of Bradford, in the West Riding of the county of York, to construct and maintain additional Works for the storage and supply of Water, to enlarge the Time for making Waterworks already authorised, to effect Public Improvements, to enlarge the Borough for municipal, sanitary, and school board purposes; and for other purposes.

**CXXIII.** An Act to authorise the Local Board for the District of Egremont, in the county of Cumberland, to construct Waterworks and to supply Water; and for other purposes.

**CXXIV.** An Act to authorise the Stirling Waterworks Commissioners to make and maintain an additional Reservoir and other Works, and to extend the supply of Water; and for other purposes.

**CXXV.** An Act for empowering the Cork, Blackrock, and Passage Railway Company to provide and use Steam and other Vessels; and for other purposes.

**CXXVI.** An Act for enabling the Great Southern and Western Railway Company to extend their Railway to Baltinglass, and to form a junction with the Limerick and Kerry Railway at Tralee; to acquire additional Lands; and for other purposes.

**CXXVII.** An Act for rendering valid certain Letters Patent granted to John Greene for the invention of improvements in the manufacture of Types Logotypes and Phrasotypes and in Apparatus therefor.

**CXXVIII.** An Act for incorporating and conferring powers on the parts of Holland and Sutton Bridge Water Company.

**CXXIX.** An Act for conferring further powers on the London, Chatham, and Dover Railway Company; and for other purposes.

**CXXX.** An Act for making Tramways in the county of Devon, to be called "The Exeter Tramways"; and for other purposes.

**CXXXI.** An Act for conferring further powers upon the Cheshire Lines Committee, and upon the three Companies represented upon that committee.

**cxxxii.** An Act for making a railway from Canterbury through the Elham Valley to join the South-eastern Railway in the parish of Cheriton, in the county of Kent; and for other purposes.

**cxxxiii.** An Act to enable the City of Glasgow Union Railway Company to construct a short new railway; to abandon certain authorised railways; to convert, consolidate, and re-arrange some of their stocks and shares; and for other purposes.

**cxxxiv.** An Act to authorise the Great Eastern Railway Company to widen several of their railways, to make new railways, tramways, and works, and to exercise various powers in relation to their own undertaking and capital, and the undertakings of other companies, and for amending their Acts; and for other purposes.

**cxxxv.** An Act for conferring further powers on the Lancashire and Yorkshire Railway Company with relation to their own undertaking and undertakings in which they are jointly interested; and for other purposes.

**cxxxvi.** An Act to authorise the Manchester, Sheffield, and Lincolnshire Railway Company to construct a new railway and other works, and to confer further powers upon that Company, and upon the Wigan Junction Railways Company, in connexion with their undertakings; and for other purposes.

**cxxxvii.** An Act to provide for the restoration of the Railway communication across the Tay, near Dundee; and for other purposes.

**cxxxviii.** An Act to amend the Acts relating to the King's Lynn Dock Company, and to confer further Powers upon that Company.

**cxxxix.** An Act for enabling the Caledonian Railway Company to make railways to Airdrie and other places in the county of Lanark; and for other purposes.

**cxl.** An Act to dissolve and re-incorporate the Dublin United Tramways Company (Limited), and to amalgamate therewith the Dublin Tramways Company, the North Dublin Street Tramways Company, and the Dublin Central Tramways Company; and for other purposes.

**cxli.** An Act for empowering the London and North-western Railway Company to make new railways, and widen, alter, and improve portions of their existing railways, and for conferring further powers upon that Company, and the Lancashire and Yorkshire Railway Company, and upon the Lancashire Union Railways Company, in respect of other undertakings in which they are jointly interested; and for other purposes.

**cxlii.** An Act to authorise the construction and maintenance of a Dock, and other Works in connexion therewith, in the parish of Dagenham, in the county of Essex.

**cxliii.** An Act to enable the Commissioners of the Bray Township to construct a Sea Wall along the Esplanade, and other works; and for other purposes.

**cxliv.** An Act for making a railway from the London, Chatham, and Dover Railway to the borough of Gravesend, and widening and extending Church Street in Gravesend; and for other purposes.

**cxlv.** An Act to authorise the construction of Street Tramways between Rotherham and Rawmarsh, in the West Riding of the county of York; and for other purposes.

**cxlvi.** An Act for making a railway between Swindon and Cheltenham; and for other purposes.

**cxlvii.** An Act to provide for the building of a new Bridge over the River Tees and of approach Roads thereto by the Corporation of Stockton and the Local Board for the District of South Stockton, and for removing the existing

Stockton Bridge; to enable the justices of the county of Durham and of the North Riding of the county of York and the Tees Conservancy Commissioners to make contributions towards the expenses thereof; and for other purposes.

**cxlviii.** An Act to enable the Metropolitan Board of Works to acquire certain rights and interests in and affecting Hackney Commons.

**cxlix.** An Act for conferring further powers on the Glasgow and South-western Railway Company for the construction of Works, the acquisition of Lands, and the raising of Money; for authorising the discontinuance of the Paisley Canal; and for other purposes.

**cl.** An Act to confer further powers on the Leeds Tramways Company.

**cli.** An Act for conferring new and revived and extended powers upon the Midland Railway Company for the construction of Railways and other Works, and the acquisition of Lands; for vesting in the Company the Undertaking of the Keighley and Worth Valley Railway Company; for amending the Acts relating to the Company and to the Lessees of the North and South Western Junction Railway; for raising further Capital; and for other purposes.

**clii.** An Act to authorise the Corporation of Birkenhead to construct additional Waterworks and extend their Gasworks, and for other purposes in relation to their Water and Gas Undertakings.

**cliii.** An Act to consolidate and amend the Acts relating to the borough of Birkenhead; to make a Bridge; and for other purposes.

**cliv.** An Act for enabling the Caledonian Railway Company to make Railways for connecting their Scottish Central Line at Larbert with their Grangemouth Branch, and with the Railway to Carron Ironworks; and for other purposes.

**clv.** An Act to divide the District of the Local Board of Health of Edmonton, in the county of Middlesex; and for other purposes.

**clvi.** An Act to confer further powers upon the Great Northern Railway Company to enable them to acquire the Stafford and Uttoxeter Railway; and for other purposes.

**clvii.** An Act for conferring further powers upon the London and North-western Railway Company in relation to their own Undertaking and other Undertakings in which they are interested jointly with other Companies, and also for conferring powers upon the Lancashire Union Railways Company, the Great Western Railway Company, the Midland Railway Company, and the Oldham, Ashton-under-Lyne, and Guide Bridge Junction Railway Company in relation to such other Undertakings; and for other purposes.

**clviii.** An Act for authorising the Sale of the Undertaking of the Potteries, Shrewsbury, and North Wales Railway Company.

**clix.** An Act to incorporate a Company for the construction of the Swanage Railway; and for other purposes.

**clx.** An Act to confirm the creation and issue of a certain Debenture Stock by the East London Waterworks Company.

P. **clxi.** An Act to confirm the Provisional Order for the Regulation of certain lands known as Shenfield Common, situate in the parish of Shenfield, in the county of Essex, in pursuance of a Report of the Inclosure Commissioners for England and Wales.

P. **clxii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Acton, Buxton, and Crompton, the Port of Harwich, the Improvement Act District of Llandudno, the Borough of Monmouth, the Local Government District of Normanton,

the Borough of Pontefract, the Local Government District of Wallasey, the Borough of Walsall, the Improvement Act District of Wath-upon-Dearne, and the Local Board of Health District of Woolwich.

P. **clxiii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Birmingham and Western Districts Tramways, Dudley and Tipton Tramways, Dudley, Stourbridge, and Kingswinford Tramways, South Staffordshire Tramways, and Wednesbury and West Bromwich Tramways.

P. **clxiv.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Bristol Tramways (Extensions), Bury and District Tramways, City of London and Metropolitan Tramways, Lincoln Tramways, Lincolnshire Tramways, Rochdale Tramways, Shepherd's Bush and Hammersmith Tramways, and Worcester Tramways.

P. **clxv.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Dyserth, Meliden, and Prestatyn Water, Harwich Water, Henley-on-Thames Water, Newport and Pillgwenlly Water, Newhaven and Seaford Water, and Poole Water.

P. **clxvi.** An Act to legalize certain Marriages celebrated in the Chapel at Alsager, in the parish of Barthomley.

P. **clxvii.** An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

**clxviii.** An Act to extend and amend the powers of the Mayor, Aldermen, and Burgesses of the City of Bristol as to the taking of Dues and Charges for the use of their Docks, and to make further provisions for the accommodation of the Trade of the Port of Bristol; and for other purposes.

**clxix.** An Act for enabling the Caledonian Railway Company to make a Railway Siding, and acquire Lands at Partick; and for other purposes.

**clxx.** An Act to authorise the construction of Tramways in the counties of Middlesex and Essex; and for other purposes.

**clxxi.** An Act to provide for the better local government and improvement of the borough of Reading, to amend the Reading School Act, 1867, and to make further provision for the raising of money by the corporation of the said borough; and for other purposes.

**clxxii.** An Act to authorise the South Metropolitan Gas Company to purchase additional lands, construct new works, and raise further capital, and to amend their Acts; and for other purposes.

**clxxiii.** An Act to authorise the Southwark and Deptford Tramways Company to construct additional Tramways; to raise further Capital; and for other purposes.

**clxxiv.** An Act to provide for the conservancy of the River Medway, and for the regulation, management, and improvement thereof.

**clxxv.** An Act for making a Railway from Uxbridge, in the county of Middlesex, to Rickmansworth, in the county of Hertford; and for other purposes.

**clxxvi.** An Act to enable the Edinburgh Street Tramways Company to make and maintain additional Tramways, and to convert part of the Portobello lines into a double line of Tramway, and to confer other powers upon the said Company.

**clxxvii.** An Act to authorise the Staines and West Drayton Railway Company to divert a portion of their authorised Railway near West Drayton; and for other purposes.

**clxxviii.** An Act for extending the municipal and police boundaries of the burgh of Oban, in the county of Argyll; for increasing the number of magistrates and councillors of the burgh; for regulating the management and maintenance of roads; for providing an improved supply of Water; and for other purposes.

**clxxix.** An Act to make provision for the Drainage of the lands in the valley of the River Nar, in the county of Norfolk; and for other purposes relating thereto.

**clxxx.** An Act to change the name of the Dudley and Oldbury Junction Railway Company; to confer further powers on that Company and on the Great Western Railway Company; and for other purposes.

**clxxxi.** An Act for the transfer of the Powers of the Killorglin Railway Company to the Great Southern and Western Railway Company; and for other purposes.

**clxxxii.** An Act to facilitate the management of blocks of buildings occupied in sections as separate tenements, and the disposal of each separate tenement; and for that purpose to incorporate a Company with powers of management, and also powers to erect and promote the erection of such buildings, and other powers.

**clxxxiii.** An Act to authorise the North British Railway Company to make a Railway in the county of Cumberland; to stop up part of the Glasgow, Dumbarton, and Helensburgh Railway; to raise additional Capital; and for other purposes.

**clxxxiv.** An Act to authorise the South London Tramways Company to construct additional Tramways; to raise further Money; and for other purposes.

**clxxxv.** An Act to confer further powers on the Whitland and Cardigan Railway Company, and to authorise a diversion of part of their authorised line; and for other purposes.

**clxxxvi.** An Act for incorporating a Company and authorising them to make and maintain a Dock Railway and other works at Annan; and for other purposes.

**clxxxvii.** An Act for rendering valid certain Letters Patent granted to Henry Syed Smart Copland for improvements in the formation of roads or ways with wood paving with or without rails and in apparatus for the purpose.

**clxxxviii.** An Act for conferring further powers on the Furness Railway Company for the construction of Works, the raising of Money, and otherwise in relation to their undertaking; and for other purposes.

**clxxxix.** An Act for incorporating the Oxted and Groombridge Railway Company; and for other purposes.

**cxc.** An Act to empower the Banbury and Cheltenham Direct Railway Company to raise further Money, and to alter the levels of a portion of their authorised Railway; to extend the time limited for the construction of their Railways; and for other purposes.

**cxci.** An Act to extend the Borough of Stalybridge, and to confer further powers upon the Corporation of that Borough.

**cxcii.** An Act for enabling the Metropolitan Board of Works to construct new Bridges over the Thames at Putney and Battersea, with approaches thereto; to alter and reconstruct Vauxhall and Deptford Creek Bridges; for amending the Metropolis Toll Bridges Act, 1877; and for other purposes.

**cxciii.** An Act for making a Railway in Lancashire, to be called the Southport and Cheshire Lines Extension Railway; and for other purposes.

**cxciv.** An Act to authorise the construction of a Railway from the town of Macroom, in the county of Cork, to the town of Kenmare, in the county of Kerry; and for other purposes.

**cxcv.** An Act to confer on the South-eastern Railway Company further powers with reference to their own undertakings, and those of other Companies; and for other purposes.

**cxcvi.** An Act to authorise a deviation of part of the Rosebush and Fishguard Railway; to extend the time for the compulsory purchase of Lands for and for the completion of other part of that Railway; to authorise the sale or lease of the Narberth Road and Maenclochog Railway to the Rosebush and Fishguard Railway Company; to enable the last-mentioned Company to raise further Money; and for other purposes.

**cxcvii.** An Act to commute the Tithes in the Parish of St. Botolph Without, Aldgate, in the City of London; and for other purposes.

**cxcviii.** An Act to authorise the construction of a Dock and Railway at Greenwich, in the county of Kent, to be called "The Greenwich Dock and Railway"; and for other purposes.

**cxcix.** An Act to confer further powers on the Lynn and Fakenham, Yarmouth and North Norfolk, and Yarmouth Union Railway Companies.

**cc.** An Act to authorise the Belfast, Holywood, and Bangor Railway Company to lay down additional narrow gauge rails on their Railway; to raise additional Capital; to use steam vessels between Belfast, Holywood, and Bangor; and for other purposes.

**cci.** An Act to confirm the transfer of the Morayshire Railway to the Great North of Scotland Railway Company; and for other purposes.

**ccii.** An Act to confer further powers on the Teign Valley Railway Company in relation to their undertaking; and for other purposes.

**cciii.** An Act to incorporate and confer powers on the Manufacturers' and Millowners' Mutual Aid Association for facilitating the cleansing and preventing the pollution of rivers and streams of running water.

**cciv.** An Act to grant further time for the completion of the Anglesea Bridge authorised by the Cork Improvement Act, 1875.

**ccv.** An Act to increase the number of the Severn Commissioners; to regulate and alter the construction of their Weirs; to amend the Severn Navigation Acts; and for other purposes.

**ccvi.** An Act to provide for the amalgamation of the Brighton Gaslight and Coke Company with the Brighton and Hove General Gas Company, and to authorise the said Company to purchase the undertaking of the Aldrington, Hove, and Brighton Gas Company; to acquire lands; and for other purposes.

**ccvii.** An Act to authorise a lease of the Kenley Waterworks to the Caterham Spring Water Company, to increase the number of directors of the Company, and to enable them to raise further money; and for other purposes.

**ccviii.** An Act for conferring upon the Great Western Railway Company further powers in connexion with their own and other undertakings, and for conferring upon other Companies further powers in connexion with undertakings in which they are jointly interested with the Company; for vesting in the Company the undertaking of the Coleford, Monmouth, Usk, and Pontypool Railway Company; for extending the respective periods now limited for the completion of the Ross and Ledbury and the Newent Railways; for the abandonment of the Fal Valley Branch Railway; and for other purposes.

**ccix.** An Act for authorising the London and South-western Railway Company to construct new Railways in the county of Surrey, to extend their Lymington Branch Railway, to execute further works, and to purchase additional lands

for the improvement of their existing Railways and stations; to provide for the apportionment of the consideration for the purchase or lease of the Mid Hants Railway, and the dissolution of the Mid Hants Railway Company; and for other purposes.

**ccx.** An Act to incorporate a Company for the Construction of the Rotherham and Bawtry Railway; and for other purposes.

**ccxi.** An Act to authorise the Carmarthen and Cardigan Railway Company to sell their undertaking to the Great Western Railway Company, and for extending the Carmarthen and Cardigan Railway to Newcastle Emlyn; and for other purposes.

**ccxii.** An Act for making a railway from the London and South-western Railway Company's Station at Surbiton to the Fulham Extension of the Metropolitan District Railway Company at Fulham; and for other purposes.

**ccxiii.** An Act to transfer to the Belfast and County Down Railway Company the Downpatrick, Dundrum, and Newcastle Railway; and for other purposes.

**ccxiv.** An Act for incorporating the Belfast, Strandtown, and High Holywood Railway Company; and for other purposes.

**ccxv.** An Act for incorporating the Ballyclare, Ligoniel, and Belfast Junction Railway Company; and for other purposes.

**ccxvi.** An Act to authorise the construction of a railway in the county of Cork, to be called the Clonakilty Extension Railway; and for other purposes.

**ccxvii.** An Act to authorise the Belfast and Northern Counties Railway Company to construct branch lines of railway from King's Bog to Ballyclare, and from Ballyclare to Doagh; to extend the time limited by the Belfast and Northern Counties Railway Act, 1878, for the purchase of lands and completion of the railway by that Act authorised; to subscribe towards the construction of a tramway at Carrickfergus; to erect or subscribe towards the erection of Hotels at Portrush and Giant's Causeway; to lend money to the Ballymena, Cushendall, and Redbay Railway Company instead of taking shares in the capital of that Company; and for other purposes.

**P. ccxviii.** An Act to explain and amend the Erne Lough and River Acts, 1876 and 1879.

**P. ccxix.** An Act to make provision with respect to the navigation of the Solent between the Isle of Wight and the Mainland, in the county of Hants.

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## PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

*1.* AN Act to authorise a certain charge on the Estates of Redcastle and Tarradale, in the county of Ross.

*2.* An Act to enable the Trustees of the Earl of Hardwicke's Settled Estates to raise money for payment of his Debts, and for vesting in such Trustees his Life Interest in the Settled Estates; and also for vesting in them certain Pictures and other effects in the Mansion of Wimpole as Heirlooms; and for other purposes in relation thereto.

*3.* An Act to authorise the Trustees of the deceased Alexander Gordon, of Ellon, in the county of Aberdeen, to sell certain lands to pay debts; and for other purposes.

4. An Act for giving effect to a compromise of a suit concerning the last Will and Testament of the late Christopher Neville Bagot deceased, and for modifying certain of the trusts of his said Will affecting his Estates in the counties of Galway and Roscommon in Ireland.
5. An Act for giving further effect to a compromise of certain opposing claims affecting the Croker Estates in the county of Limerick in Ireland
6. An Act for the better regulation of the Hospital of Saint John the Baptist, in the town of Bedford, and to provide for the separation of the rectory of the Parish of Saint John the Baptist, in the town of Bedford, from the Mastership of the said Hospital.

# A LIST OF THE LOCAL AND PRIVATE ACTS,

## (44 & 45 VICT., 1881,)

## ARRANGED IN CLASSES.


CLASS 1.—BRIDGES AND FERRIES.
„ 2.—CANALS, RIVERS, NAVIGATIONS, TUNNELS, AND SUBWAYS.
„ 3.—CHARITABLE FOUNDATIONS AND INSTITUTIONS.
„ 4.—DRAINAGES AND DRAINAGE EMBANKMENTS.
„ 5.—ECCLESIASTICAL AFFAIRS, INCLUDING TITHES.
„ 6.—ESTATES.
„ 7.—FISHERIES.
„ 8.—GASLIGHT COMPANIES AND WATER COMPANIES.
„ 9.—HARBOURS, DOCKS, PORTS, PIERS, QUAYS, &c.
CLASS 10.—IMPROVEMENTS IN TOWNS, MUNICIPAL AND COUNTY AND LOCAL GOVERNMENT MATTERS, &c.
„ 11.—INCLOSURES OF COMMONS.
„ 12.—PARISH AFFAIRS.
„ 13.—PERSONAL AFFAIRS.
„ 14.—RAILWAYS.
„ 15.—TRADING AND OTHER COMPANIES.
„ 16.—TRAMWAYS.
„ 17.—TURNPIKE AND OTHER ROADS.
„ 18.—PROVISIONAL ORDERS CONFIRMATION.


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Byker Bridge, Newcastle-upon-Tyne (Additional Capital, &c.) Ch. xxix.
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### Class 2.—Canals, Rivers, Navigations, Tunnels, and Subways.

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### Class 3.—Charitable Foundations and Institutions.

Bedford, St. John's Hospital (Regulation). Ch. 6. (*Private.*)
Reading School (Amending Act of 1867). Ch. clxxi.

### Class 4.—Drainages and Drainage Embankments.

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[*For Act confirming Provisional Orders under the Land Drainage Act, see* Class 18 (5).]

## Class 5.—Ecclesiastical Affairs, including Tithes.

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## Class 6.—Estates.

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## Class 7.—Fisheries.

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[*For Acts confirming Provisional Orders under the Gas and Water Works Facilities Act, see* Class 18 (2).]

## Class 9.—Harbours, Docks, Ports, Piers, Quays, &c.

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## Class 9.—Harbours, Docks, Ports, Piers, Quays, &c.—*continued.*

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[*For Act confirming Provisional Orders under General Pier and Harbour Act, see* Class 18 (3).]

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[*For Acts confirming Provisional Orders under Acts relating to subjects empraced in this Class, see* Class 18 (6), (7).]

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[*For Acts confirming Provisional Orders in pursuance of Reports of Inclosure Commissioners, see* Class 18 (4).]

## Class 12.—Parish Affairs.

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## Class 14.—Railways.

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[*For Acts confirming Provisional Orders under Tramways Act, see* Class 18 (9).]

## Class 17.—Turnpike and other Roads.

[NOTE.—By the "ANNUAL TURNPIKE ACTS CONTINUANCE ACT, 1881," *certain Local Acts are repealed and certain other Local Acts are continued for specified terms. See Schedules to* 44 & 45 Vict. c. 31. (*Public*).]

## Class 18.—Provisional Orders Confirmation.

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(2.) *Under Gas and Water Works Facilities Act*, 1870:
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(3.) *Under General Pier and Harbour Act*, 1861 :
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## Class 18.—Provisional Orders Confirmation—*continued.*

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(5.) *Under Land Drainage Act*, 1861:

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(6.) *Under Local Government and other Acts:*

(*a*) *Gas and Water Works Facilities Act, &c.:*

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(*b*) *Highways and Locomotives Act*, 1878:

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(*c*) *Poor Law Acts*, 1876 *and* 1879:

Orders of the Local Government Board under the Divided Parishes and Poor Law Amendment Act, 1876, as amended and extended by the Poor Law Act, 1879, relating to the Parishes of Asgarby, Bolingbroke, Boston, Carrington, Chesilborne, Frieston, Hagnaby, Hareby, Hundleby, Keal West, Leverton, Lusby, Mavis Enderby, Milton Abbas, Miningsby, Owermoigne, Reithby, Revesby, Spilsby, Stickford, and Thorpe, and to the Townships of Asselby, Balkholme, Barmby-on-the-Marsh, Bellasize, Blacktoft, Cotness, Eastrington, Gilberdike, Kendal, Kilpin, Knedlington, Laxton, Metham, Nether Graveship, Saltmarsh, Skelton, and Yokefleet. Ch. xvii.

Orders relating to the Parishes of Bromsgrove, Claines, Dodderhill, Grafton Manor, Hadsor, Hampton Lovett, Hanbury, Hinlip, In-Liberties, Pelhams Lands, Saint Andrew, Saint Nicholas, Saint Peter, Salwarpe, Swineshead, Upton Warren, and Warndon. Ch. lxii.

(*d*) *Public Health Act*, 1875:

Orders of the Local Government Board under the Public Health Act, 1875, relating to the Borough of Godalming, the Improvement Act District of Lytham, and the Borough of Stratford-upon-Avon. Ch. i.

Orders relating to the City and Borough of Bath, the Local Government District of Bowness, the Improvement Act District of Cambridge, the Borough of Derby, the Port of Hartlepool, and the Local Government District of Wigton. Ch. xv.

Orders relating to the Boroughs of Berwick-upon-Tweed and Cheltenham, the Urban Sanitary District of Folkestone, the Rural Sanitary District of the Hendon Union, the Metropolis, and the Local Government Districts of Redruth, Swinton, and Willington. Ch. lxi.

Orders relating to the Rural Sanitary District of the Brentford Union, the Bromley and Beckenham Joint Hospital District, the Local Government District of Burgess Hill, the Rural Sanitary District of the Cuckfield Union, the Local Government District of Houghton-le-Spring, the Special Drainage District of Hurstpierpoint, the Local Government District of Marple, the Stourbridge Main Drainage District, and the Rural Sanitary District of the Whitehaven Union. Ch. lxiii.

Orders relating to the Boroughs of Halifax and Leeds, and the City of Manchester. Ch. lxvi.

Order relating to the Borough of Bridgnorth. Ch. lxvii.

Order relating to the Borough of Birmingham. Ch. lxviii.

## Class 18.—Provisional Orders Confirmation—*continued.*

(6.) *Under Local Government and other Acts*—continued.

(*d.*) *Public Health Act*, 1875—continued.

Orders relating to the Local Government District of Cottingham, the Lanchester Joint Hospital District, and the Improvement Act District of Middleton and Tonge. Ch. lxx.

Orders relating to the Local Government Districts of Askern and Atherton, the Borough of Birmingham, the Local Government Districts of Ealing and Hampton Wick, the City of Liverpool, the Borough of Middlesbrough, and the Local Government Districts of Selby and Shirley. Ch. xcviii.

Orders relating to the Local Government Districts of Horfield and Teignmouth. Ch. xcix.

Orders relating to the Birmingham, Tame, and Rea Main Sewerage District, the Local Government Districts of Cowpen and Leigh, the Borough of Nottingham, and the Local Government District of Risca. Ch. cii.

Orders relating to the Local Government Districts of Acton, Buxton, and Crompton, the Port of Harwich, the Improvement Act District of Llandudno, the Borough of Monmouth, the Local Government District of Normanton, the Borough of Pontefract, the Local Government District of Wallasey, the Borough of Walsall, the Improvement Act District of Wath-upon-Dearne, and the Local Board of Health District of Woolwich. Ch. clxii.

(7.) *Under Local Government* (*Ireland*) *and Public Health* (*Ireland*) *Acts*:

Orders of the Local Government Board for Ireland relating to the Towns of Clonakilty, Dromore, and Navan. Ch. iii.

Orders relating to Waterworks in the Towns of Bandon and Bangor, and in the Little Island (Cork). Ch. lxv.

Orders relating to the Towns of Ballymena, Belmullet, and Enniskerry. Ch. lxix.

(8.) *Under Metropolitan Commons Acts*, 1866 *and* 1869:

Scheme under the Metropolitan Commons Acts, 1866 and 1869, relating to Brook Green, Eel Brook Common, Parson's Green, and another piece of waste land adjoining the King's Road. Ch. xviii.

(9.) *Under Tramways Act*, 1870:

Orders of Board of Trade under the Tramways Act, 1870, relating to Bootle-cum-Linacre Corporation Tramways, Gravesend, Rosherville, and Northfleet Tramways, Jarrow and Hebburn and District Tramways, Liverpool Corporation Tramways (Extension), Manchester Corporation Tramways, Middlesbrough Tramways (Extensions), North Staffordshire Tramways (Extensions), Rusholme Local Board Tramways, Shipley Tramways, South Gosforth Tramways, South Shields Corporation Tramways, Woolwich and South-east London Tramways, and York Tramways (Extension.) Ch. cv.

Orders relating to Birmingham and Western Districts Tramways, Dudley and Tipton Tramways, Dudley, Stourbridge, and Kingswinford Tramways, South Staffordshire Tramways, and Wednesbury and West Bromwich Tramways. Ch. clxiii.

Orders relating to Bristol Tramways (Extensions), Bury and District Tramways, City of London and Metropolitan Tramways, Lincoln Tramways, Lincolnshire Tramways, Rochdale Tramways, Shepherd's Bush and Hammersmith Tramways, and Worcester Tramways. Ch. clxiv.

# TABLES

SHOWING

# THE EFFECT OF THE YEAR'S LEGISLATION.

TABLE A.—Acts of 44 & 45 Vict. (in order of Chapter), showing their effect on former Acts.

TABLE B.—Acts of former Sessions (in chronological order) Repealed and Amended by Acts of 44 & 45 Vict.

## (A.)

## Acts of 44 & 45 Vict. (in order of Chapter), showing their effect on former Acts.

CH.

1. CONSOLIDATED FUND (2,500,000*l.*) [U.K.]

2. BURIAL AND REGISTRATION ACTS (DOUBTS REMOVAL) [E.]
   Amends 43 & 44 Vict. c. 41., Burial Laws Amendment Act, 1880.

3. JUDICIAL COMMITTEE OF PRIVY COUNCIL [U.K.]
   Provides that Lords Justices of Appeal shall be members of Judicial Committee.

4. PROTECTION OF PERSON AND PROPERTY (IRELAND) [I.]
   Continues Enactments as to Out-door Relief contained in 43 Vict. c. 4. and 43 & 44 Vict. c. 14., Relief of Distress (Ireland) Acts, 1880.

5. PEACE PRESERVATION (IRELAND) [I.]
   Amends the law relating to carrying and possession of arms.

6. LOCAL TAXATION RETURNS (SCOTLAND) [S.]
   Provides for preparation, &c. of Annual Returns.

7. INDIA OFFICE (SALE OF SUPERFLUOUS LAND) [E.]
   Provides for Sale of Land in Charles Street, Westminster, to Commissioners of Works.
   Exempts Buildings erected on such Land from operation of 18 & 19 Vict. c. 122, Metropolitan Buildings Act, 1855.
   Applies 21 & 22 Vict. c. 106., India Act, 1858.
   „ 28 & 29 Vict. c. 32., India Office Site and Approaches Act, 1865.

8. CONSOLIDATED FUND (13,355,617*l.* 4*s.* 2*d.*) [U.K.]

9. ARMY DISCIPLINE AND REGULATION (ANNUAL) [U.K.]
   Continues 42 & 43 Vict. c. 33, Army Discipline and Regulation Act, 1879.
   Amends said Act as to Summary Punishment; and repeals certain portions thereof relating to Corporal Punishment, &c.

10. INLAND REVENUE BUILDINGS [U.K.]
    Applies 15 & 16 Vict. c. 28., Works and Public Buildings Act, 1852.
    Incorporates 8 & 9 Vict. cc. 18, 19., Lands Clauses Acts, 1845.

11. SEA FISHERIES (CLAM AND BAIT BEDS) [E. & S.]
    Amends 31 & 32 Vict. c. 45., Sea Fisheries Act, 1868.
    Applies 41 & 42 Vict. c. 73., Territorial Waters Jurisdiction Act, 1878.

Table A.—Acts of 44 & 45 Vict. (in order of Chapter), &c.—*continued.*

CH.

12. CUSTOMS AND INLAND REVENUE [U.K.]

Customs:—

Continuous Duties on Tea.

Alters Duties on Beer: Amends and applies 39 & 40 Vict. cc. 35., 36., Customs Acts, 1876.

Applies 43 & 44 Vict. c. 20., Inland Revenue Act, 1880.

Alters Duties on Spirits: Amends 39 & 40 Vict. c. 35., Customs Tariff Act, 1876.

Provisions as to landing and shipping of Goods.

Incorporates certain sections of this Act with 39 & 40 Vict. c. 36., Customs Consolidation Act, 1876.

Excise:—

Amends 43 & 44 Vict. c. 20., Inland Revenue Act, 1880, as to Brewers' Licences.

Amends 23 & 24 Vict. c. 129. and 28 & 29 Vict. c. 98., as to allowances on Spirits exported.

Provisions as to Warehousing Foreign Wine in an Excise Warehouse: Applies 43 & 44 Vict. c. 24., Spirits Act, 1880.

Taxes:—

Grants Duties of Income Tax, and applies existing Acts; applies, also, 32 & 33 Vict. c. 67., Valuation (Metropolis) Act, 1869.

Amends Section 13 of 41 & 42 Vict. c. 15., Customs and Inland Revenue Act, 1878, as to Exemption from Inhabited House Duty.

Amends Section 53 of 43 & 44 Vict. c. 19., Taxes Management Act, 1880, as to its application to Scotland.

Stamps:—

Provisions as to Probate and Legacy Duties, and Duties on Accounts: Alters Duties imposed by 43 Vict. c. 14., Customs and Inland Revenue Act, 1880.

Provisions as to obtaining Probate, &c. when gross value of Estate does not exceed 300*l.*: Extends 38 & 39 Vict. c. 41. and 39 & 40 Vict. c. 24., as amended by 39 & 40 Vict. c. 70., Sheriff Court (Scotland) Act, 1876.

Cesser of Legacy and Succession Duty of 1*l.* per cent. in certain cases: Amends 55 Geo. 3. c. 184. and 16 & 17 Vict. c. 51.

Amends 33 & 34 Vict. c. 97., as to certain instruments and Policies.

Stamp Duty on Stock Certificates to Bearer under 38 & 39 Vict. c. 83., Local Authorities Loans Act, 1875.

Stamp Duties of 1*d.* may be denoted by Postage Stamps, and vice versâ.

Repeals Enactments in Schedule, viz.:—

3 & 4 Vict. c. 96. s. 20., Postage Duties.

23 & 24 Vict. c. 129. ss. 2, 3., Spirits: Channel Islands.

30 & 31 Vict. c. 23. ss. 5, 6, &c., Customs and Inland Revenue.

32 & 33 Vict. c. 103., ss. 3–5., 9–11., Warehousing of Wines and Spirits

39 & 40 Vict. c. 35, Schedule in part, Customs Duties.

39 & 40 Vict. c. 36., ss. 48., 110., 143., 184., 187., Customs Consolidation.

13. MUNICIPAL ELECTIONS ACT AMENDMENT (SCOTLAND) [S.]

Amends 31 & 32 Vict. c. 108., as to right of voting of Females.

14. SOUTH WALES BRIDGES [W.]

Applies 41 & 42 Vict. 77., Highways and Locomotives (Amendment) Act, 1878.

" 23 & 24 Vict. c. 68., Highways (South Wales) Act, 1860.

" 43 & 44 Vict. c. 5., County Bridges Loans Extension Act, 1880.

Amends 43 Geo. 3. c. 59., County Bridges Act, 1803.

Extends powers of borrowing under 4 & 5 Vict. c. 49., County Bridges Act, 1841.

15. CONSOLIDATED FUND (6,975,627*l.*) [U.K.]

16. LAND TAX COMMISSIONERS NAMES [E.]

Recites 7 & 8 Geo. 4. c. 75., and subsequent Acts appointing additional Commissioners; and provides that persons named in Schedule deposited with Clerk of House of Commons shall be additional Commissioners for England and Wales.

17. TRAMWAYS (IRELAND) ACTS AMENDMENT [I.]

Amends 23 & 24 Vict. c. 152.
" 24 & 25 Vict. c. 102.
" 34 & 35 Vict. c. 114.
} Tramways (Ireland) Acts, 1860, 1861, and 1871.

18. PETTY SESSIONS CLERKS (IRELAND) [I.]

Amends law with respect to payment of Petty Sessions Clerks in Ireland.

Table A.—Acts of 44 & 45 Vict. (in order of Chapter), &c.—*continued.*

CH.

19. NEWSPAPERS [U.K.]
Repeals part of Section 6 of 33 & 34 Vict. c. 79., Post Office Act, 1870.
For purposes of Act, Channel Islands and Isle of Man deemed part of United Kingdom.

20. POST OFFICE (LAND) [U.K.]
Applies 7 Will. 4. & 1 Vict. c. 33., Post Office (Management) Act, 1837.
" 7 Will. 4. & 1 Vict. c. 36., Post Office (Offences) Act, 1837.
" 12 & 13 Vict. c. 66., Colonial Inland Post Office Act, 1849.
" 26 & 27 Vict. c. 43., Post Office Lands Act, 1863.
" 18 & 19 Vict. c. 58., Duchy of Lancaster Lands Act, 1855.
" 8 & 9 Vict. cc. 18. 19., " 23 & 24 Vict. c. 106., } Lands Clauses Acts, 1845 and 1860.
" 14 & 15 Vict. c. 70., " 23 & 24 Vict. c. 97., " 27 & 28 Vict. c. 71., " 31 & 32 Vict. c. 70., } Railways (Ireland) Acts, 1851, 1860, 1864, and Railway (Traverse) Act, 1868.
Repeals section 22 (with an exception) of 32 and 33 Vict. c. 73., Telegraph Act, 1869.

21. MARRIED WOMEN'S PROPERTY (SCOTLAND) [S.]
Amends 40 & 41 Vict. c. 29., Married Women's Property (Scotland) Act, 1877.

22. BANKRUPTCY AND CESSIO (SCOTLAND) [S.]
Amends 19 & 20 Vict. c. 79., Bankruptcy (Scotland) Act, 1856.
" 6 & 7 Will. 4. c. 56., Cessio bonorum (Scotland) Act, 1836.
" 39 & 40 Vict. c. 70., Sheriff Court (Scotland) Act, 1876.
" 43 & 44 Vict. c. 34., Debtors (Scotland) Act, 1880.

23. COURT OF BANKRUPTCY (IRELAND) OFFICERS AND CLERKS [I.]
Amends 20 & 21 Vict. c. 60., Irish Bankrupt and Insolvent Act, 1857.

24. SUMMARY JURISDICTION (PROCESS) [E. & S.]
Amends 42 & 43 Vict. c. 49., Summary Jurisdiction Act, 1879.
" 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.

25. INCUMBENTS OF BENEFICES LOANS EXTENSION [E.]
Extends period for repayment of Loans under the following Acts:—

| | |
|---|---|
| 17 Geo. 3. c. 53. | 1 & 2 Vict. c. 106. |
| 21 Geo. 3. c. 66. | 28 & 29 Vict. c. 69. |
| 7 Geo. 4. c. 66. | 34 & 35 Vict. c. 43. |
| 1 & 2 Vict. c. 23. | 35 & 36 Vict. c. 96. |

26. STRATIFIED IRONSTONE MINES (GUNPOWDER) [U.K.]
Exempts Ironstone Mines from regulations as to Cartridges under section 51 of 35 & 36 Vict. c. 76., Coal Mines Regulation Act, 1872.

27. BURIAL GROUNDS (SCOTLAND) ACT, 1855, AMENDMENT [S.]
Amends 18 & 19 Vict. c. 68., Burial Grounds (Scotland) Act, 1855.

28. LOCAL GOVERNMENT BOARD (IRELAND) ACT AMENDMENT [I.]
Amends 35 & 36 Vict. c. 69., Local Government Board (Ireland) Act, 1872.
" 43 Vict. c. 1., Seed Supply (Ireland) Act, 1880.
" 43 & 44 Vict. c. 14., Relief of Distress (Ireland) Amendment Act, 1880.

29. REFORMATORY INSTITUTIONS (IRELAND) [I.]
Incorporates certain clauses of 10 & 11 Vict. c. 16., Commissioners Clauses Act, 1847.
Applies 31 & 32 Vict. c. 59., Reformatory Schools (Ireland) Act, 1868.
" Public Works Loans (Ireland) Act, 1877, and Public Works Loans Act, 1879.

30. CUSTOMS (OFFICERS) [U.K.]
Amends (virtually) 22 Vict. c. 26., Superannuation Act, 1859.

31. ANNUAL TURNPIKE ACTS CONTINUANCE [E.]
Repeals and continues certain Local Acts as set forth in Schedule.

32. PUBLIC LOANS (IRELAND) REMISSION [I.]
Extinguishes Debts due to Consolidated Fund under the following Acts:—
4 Geo. 4. c. 99., Tithe Composition.
3 & 4 Will. 4. c. 100., 1 & 2 Vict. c. 109., 2 & 3 Vict. c. 97., } Tithe Relief.

Table A.—Acts of 44 & 45 Vict. (in order of Chapter), &c.—*continued.*

CH.

33. SUMMARY JURISDICTION (SCOTLAND) [S.]
Amends 27 & 28 Vict. c. 53., Summary Procedure Act, 1864; and this Act construed therewith.
Extends to Scotland certain provisions of 42 & 43 Vict. c. 49., Summary Jurisdiction Act, 1879.
Applies section 6 of 38 & 39 Vict. c. 62, Summary Prosecutions Appeals (Scotland) Act, 1875.
" sections 23 and 24 of 31 & 32 Vict. c. 123., Salmon Fisheries (Scotland) Act, 1868.
" 7 Will. 4 & 1 Vict. c. 41., Small Debts (Scotland) Act, 1837.
" Tweed Fisheries Acts.
Applies Act to Proceedings under Post Office Acts and Revenue Acts.

34. METROPOLITAN OPEN SPACES [E.]
Amends 40 & 41 Vict. c. 35., Metropolitan Open Spaces Act, 1877.
Applies 18 & 19 Vict. c. 120., Metropolis Management Act, 1855.
" 41 & 42 Vict. c. cxxvii., Corporation of London (Open Spaces) Act, 1878.
" 26 & 27 Vict. c. 13, Gardens, &c. Protection Act, 1863.
" 8 & 9 Vict. c. 18., Lands Clauses Act, 1845.

35. CORONERS (IRELAND) [I.]
Repeals (in part) 9 & 10 Vict. c. 37., Coroners (Ireland) Act, 1846.
Applies 21 & 22 Vict. c. 90., Medical Act, 1858.

36. BRITISH HONDURAS (COURT OF APPEAL) [C.]
Constitutes Supreme Court of Jamaica a Court of Appeal from Supreme Court of British Honduras.

37. ALKALI, &c. WORKS REGULATION [U.K.]
Repeals 26 & 27 Vict. c. 124., } Alkali Acts, 1863, 1868, and 1874.
" 31 & 32 Vict. c. 36, }
" 37 & 38 Vict. c. 43., }
Applies 39 & 40 Vict. c. 75., Rivers Pollution Act, 1876.
" 10 & 11 Vict. c. lxxi., London (City) Small Debts Act, 1847.
" 14 & 15 Vict. c. 57., Civil Bills Courts, Ireland.
" 18 & 19 Vict. c. 120., Metropolis Management Act, 1855.
" 38 & 39 Vict. c. 55., Public Health Act, 1875.
" 30 & 31 Vict. c. 101., Public Health (Scotland) Act, 1867.
" 41 & 42 Vict. c. 52., Public Health (Ireland) Act, 1878.
" 34 & 35 Vict. c. 70., Local Government Board Act, 1871.

38. PUBLIC WORKS LOANS [U.K.]
Amends 38 & 39 Vict. c. 89., Public Works Loans Act, 1875.
Applies 38 & 39 Vict. c. 89., } Public Works Loans Acts, 1875 and 1879.
" 42 & 43 Vict. c. 77., }
" 40 & 41 Vict. c. 27, Public Works Loans (Ireland) Act, 1877.
Remits interest on Loan to Tralee Harbour Commission (43 & 44 Vict. c. lxxxv.)
" sum expended on Monivea Drainage Works (29 & 30 Vict. c. 49.)
Provides as to loan to Wicklow Harbour Commissioners.
Amends 32 & 33 Vict. c. 77. and 35 & 36 Vict. c. 55., Basses Lights Acts, 1869 and 1872.
Explains 29 & 30 Vict. cc. 28, 34., as to loans for houses for Labouring Classes in Ireland.
Removes doubts as to construction of 43 & 44 Vict. c. ccvi., Mulkear Drainage District Act, 1880
Confirms loans in 43 Vict. c. 4., Relief of Distress (Ireland) Act, 1880.
Grants 1,400,000*l.* to Irish Land Commission.

39. REMOVAL TERMS (BURGHS) (SCOTLAND) [S.]
Applies 25 & 26 Vict. c. 101., General Police and Improvement (Scotland) Act, 1862.

40. UNIVERSITIES ELECTIONS AMENDMENT (SCOTLAND) [S.]
Amends 31 & 32 Vict. c. 48., Representation of the People (Scotland) Act, 1868.
Repeals all Acts, &c. inconsistent with this Act.

Table A.—Acts of 44 & 45 Vict. (in order of Chapter), &c.—*continued.*

CH.

41. CONVEYANCING AND LAW OF PROPERTY [E. & I.]
Repeals 8 & 9 Vict. c. 119., Conveyance of Real Property Act, 1845.
,, s. 48. of 15 & 16 Vict. c. 86., Equity Jurisdiction Act, 1852.
,, s. 4. to 9 of 22 & 23 Vict. c. 35., Law of Property and Relief of Trustees Act, 1859.
,, s. 2. of 23 & 24 Vict. c. 126., Common Law Procedure Act, 1860.
,, part of 23 & 24 Vict. c. 145., Trustees, &c. Act, 1860.
,, part of 37 & 38 Vict. c. 78., Vendor and Purchaser Act, 1874.
,, s. 48. of 38 & 39 Vict. c. 87., Land Transfer Act, 1875.
Applies 40 & 41 Vict. c. 18., Settled Estates Act, 1877.
,, 39 & 40 Vict. c. 59., Appellate Jurisdiction Act, 1876.
,, 40 & 41 Vict. c. 57., Supreme Court of Judicature (Ireland) Act, 1877.
Affects the following Acts (*see Schedule*):—
1 & 2 Vict. c. 110., Imprisonment for Debt Act, 1838.
2 & 3 Vict. c. 11., 18 & 19 Vict. c. 15., } Protection of Purchasers Acts, 1839 and 1855.
22 & 23 Vict. c. 35., 23 & 24 Vict. c. 38., } Law of Property, &c. Acts, 1859 and 1860.
23 & 24 Vict. c. 115., Crown Debts and Judgments Act, 1860.
27 & 28 Vict. c. 112., Judgment Law Amendment Act, 1864.
28 & 29 Vict. c. 104., Crown Suits, &c. Act, 1865.
31 & 32 Vict. c. 54., Judgments Extension Act, 1868.
5 & 6 Will. 4. c. 62., Statutory Declarations Act, 1835.

42. CORRUPT PRACTICES (SUSPENSION OF ELECTIONS) [E.]
Suspends Elections in the following Cities and Boroughs; viz. Boston, Canterbury, Chester, Gloucester, Macclesfield, Oxford, and Sandwich.

43. SUPERANNUATION [U.K.]
Extends 36 & 37 Vict. c. 23., Superannuation Act Amendment Act, 1873.

44. SOLICITORS REMUNERATION [E. & I.]
Applies 23 & 24 Vict. c. 127., Attorneys and Solicitors Act, 1860.
,, 29 & 30 Vict. c. 84., Attorneys and Solicitors (Ireland) Act, 1866.
Restricts application of 33 & 34 Vict. c. 28., Attorneys and Solicitors Act, 1870.

45. PEDLARS [U.K.]
Amends 34 & 35 Vict. c. 96., Pedlars Act, 1871.

46. PATRIOTIC FUND [U.K.]
Amends 30 & 31 Vict. c. 98., Patriotic Fund Act, 1867.

47. PRESUMPTION OF LIFE LIMITATION (SCOTLAND) [S.]
Limits Presumption of Life of persons long absent from Scotland.
Applies 40 & 41 Vict. c. 50., Sheriff Courts (Scotland) Act, 1877.

48. METROPOLITAN BOARD OF WORKS (MONEY) [E.]
Amends 38 & 39 Vict. c. 65., 43 & 44 Vict. c. 25., } Metropolitan Board of Works (Money) Acts, 1875 and 1880.
,, 32 & 33 Vict. c. 102., Metropolitan Board of Works (Loans) Act, 1869.
Applies Metropolitan Board of Works (Loans) Acts, 1869 to 1871.
,, Metropolitan Board of Works (Money) Acts, 1875 to 1880.
Empowers Board to expend Moneys for purposes described in the Schedules.
Applies 24 & 25 Vict. c. 98., as to forgery of Metropolitan Bills.

49. LAND LAW (IRELAND) [I.]
Constitutes a Land Commission under title of "The Irish Land Commission."
Amends, and in part repeals { 33 & 34 Vict. c. 46., 35 & 36 Vict. c. 32., } Landlord and Tenant (Ireland) Acts, 1870 and 1872.
Applies 43 & 44 Vict. c. 47., Ground Game Act, 1880.
,, 27 & 28 Vict. c. 67., Game (Ireland) Act, 1864.
,, 10 & 11 Vict. c. 32., &c., Landed Property Improvement (Ireland) Acts.
,, 8 & 9 Vict. c. 18., 23 & 24 Vict. c. 106., } Lands Clauses Consolidation Acts, 1845 and 1860.
,, 42 & 43 Vict. c. 77., Public Works Loans Act, 1879.
,, 40 & 41 Vict. c. 27., Public Works Loans (Ireland) Act, 1877.
,, 40 & 41 Vict. c. 56., County Offices and Courts (Ireland) Act, 1877.
,, 42 & 43 Vict. c. 58., Public Offices Fees Act, 1879.

Table A.—Acts of 44 & 45 Vict. (in order of Chapter), &c.—*continued.*

CH.

50. CONSOLIDATED FUND (21,695,712*l.*) [U.K.]

51. WILD BIRDS PROTECTION [U.K.]
Amends 43 & 44 Vict. c. 35., Wild Birds Protection Act, 1880.

52. ROYAL UNIVERSITY OF IRELAND [I.]
Provides for payment of certain sums by the Commissioners of Church Temporalities in Ireland (accruing to them under 32 & 33 Vict. c. 42.) for the purposes of the Royal University of Ireland.
Applies 29 & 30 Vict. c. 39., Exchequer and Audit Act, 1866.

53. EAST INDIAN RAILWAY (REDEMPTION OF ANNUITIES) [U.K.]
Amends 42 & 43 Vict. c. ccvi., East Indian Railway Company Purchase Act, 1879.
„ 42 & 43 Vict. c. 43., East Indian Railway (Redemption) Act, 1879.

54. INDIAN LOAN [U.K.]
Repeals 42 & 43 Vict. c. 45., Indian Advance Act, 1879.
„ 42 & 43 Vict. c. 61., East Indian Loan (Annuities) Act, 1879.
Applies 43 & 44 Vict. c. 36., Savings Bank Act, 1880.
„ 38 & 39 Vict. c. 45., Sinking Fund Act, 1875.

55. NATIONAL DEBT [U.K.]
Converts certain Exchequer Bonds into permanent Annuities.
Applies 38 & 39 Vict. c. 45., Sinking Fund Act, 1875.
Removes doubts as to certain investments under 43 & 44 Vict. c. 36., Savings Bank Act, 1880.

56. APPROPRIATION [U.K.]

57. REGULATION OF THE FORCES [U.K.]
Amends 42 & 43 Vict. c. 33., Army Discipline and Regulation Act, 1879.
„ 26 & 27 Vict. c. 57., Regimental Debts Act, 1863.
Applies 38 & 39 Vict. c. 69., Militia Voluntary Enlistment Act, 1875.
„ 26 & 27 Vict. c. 65., Volunteer Act, 1863.
„ 30 & 31 Vict. c. 110., Reserve Force Act, 1867.
„ 30 & 31 Vict. c. 111., Militia Reserve Act, 1867.
Removes doubts as to Pensions of Soldiers in Indian Forces under 24 & 25 Vict. c. 74.
Repeals the several Acts and portions of Acts described in the Schedule. [*These Enactments will be found in their chronological order in Table B.*]

58. ARMY DISCIPLINE AND REGULATION [U.K.]
Consolidates 42 & 43 Vict. c. 33. (Army Discipline and Regulation Act, 1879,) and Acts amending the same.
Repeals (in part) 47 Geo. 3. sess. 2. c. 25., Half Pay, Pensions, &c.
„ „ 42 & 43 Vict. c. 32., Army Discipline, &c. (Commencement) Act, 1879.
„ „ 42 & 43 Vict. c. 33., Army Discipline, &c. Act, 1879.
„ „ 44 & 45 Vict. c. 9., Army Discipline, &c. (Annual) Act, 1881.
„ „ 44 & 45 Vict. c. 57., Regulation of the Forces Act, 1881.

59. STATUTE LAW REVISION AND CIVIL PROCEDURE [E.]
Repeals (with savings) the Enactments described in the Schedule. [*These Enactments will be found in Table B.* See p. 65 *et seq.*]
Extends 38 & 39 Vict. c. 77., Supreme Court of Judicature Act, 1875, as to Rules of Court.

60. NEWSPAPER LIBEL AND REGISTRATION [E. & I.]
Applies 42 & 43 Vict. c. 49., Summary Jurisdiction Act, 1879.
„ 22 & 23 Vict. c. 17., Vexatious Indictments Act, 1859.
„ 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.

61. SUNDAY CLOSING (WALES) [W.]
Applies 35 & 36 Vict. c. 94., and 37 & 38 Vict. c. 49., } Licensing Acts, 1872 and 1874.

62. VETERINARY SURGEONS [U.K.]
Applies 11 & 12 Vict. c. 43. and 42 & 43 Vict. c. 49., Summary Jurisdiction Acts, 1848 and 1879.
„ 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
„ 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.

Table A.—Acts of 44 & 45 Vict. (in order of Chapter), &c.—*continued.*

CH.

63. INDIA OFFICE AUDITOR [U.K.]
Amends 21 & 22 Vict. c. 106., Government of India Act, 1858.
Applies 22 Vict. c. 26., Superannuation Act, 1859.
,, 23 & 24 Vict. c. 89., Superannuation Act Amendment, 1860.

64. CENTRAL CRIMINAL COURT (PRISONS) [E.]
Amends 40 & 41 Vict. c. 21., Prison Act, 1877.
,, 42 & 43 Vict. c. 1., Spring Assizes Act, 1879.
,, 4 & 5 Will. 4. c. 36., Central Criminal Court Act, 1836.
,, 19 & 20 Vict. c. 16., Central Criminal Court Act, 1856.
,, 25 & 26 Vict. c. 65., Jurisdiction in Homicides Act, 1862.
Applies 4 & 5 Will. 4. c. 36., Central Criminal Court Act, 1834.
,, 28 & 29 Vict. c. 126., Prison Act, 1865.
,, 31 & 32 Vict. c. 24., Capital Punishment Amendment Act, 1868.

65. LEASES FOR SCHOOLS (IRELAND) [I.]
Provides greater facilities for obtaining Leases of Land for erection of Schools in Ireland.

66. POLLEN FISHING (IRELAND) [I.]
Extends Open Season for fishing for Pollen.
Applies 32 & 33 Vict. c. 92., Fisheries (Ireland) Act, 1869.

67. PETROLEUM (HAWKERS) [U.K.]
Amends 34 & 35 Vict. c. 105., Petroleum Act, 1871.
Construes Act with 34 & 35 Vict. c. 105. and 42 & 43 Vict. c. 47.

68. SUPREME COURT OF JUDICATURE [E.]
Amends 36 & 37 Vict. c. 66., } Supreme Court of Judicature Acts, 1873, 1875, and 1877.
,, 38 & 39 Vict. c. 77., }
,, 40 & 41 Vict. c. 9., }
,, 42 & 43 Vict. c. 78., Supreme Court of Judicature (Offices) Act, 1879.
,, 20 & 21 Vict. c. 85., Divorce Act, 1857.
,, 31 & 32 Vict. c. 125., Parliamentary Elections Act, 1868.
,, 39 & 40 Vict. c. 59., Appellate Jurisdiction Act, 1876.
,, 32 & 33 Vict. c. 91., Courts of Justice (Salaries and Funds) Act, 1869.
,, 6 & 7 Vict. c. 73., } Solicitors Acts, 1843, 1860, 1877.
,, 23 & 24 Vict. c. 127., }
,, 40 & 41 Vict. c. 62., }
,, 3 & 4 Will. 4. c. 74., Acknowledgments by Married Women.
,, 19 & 20 Vict. c. 108., County Courts Act, 1856.
Defines Jurisdiction of High Court in Registration and Election cases, 28 & 29 Vict., c. 36., 31 & 32 Vict. c. 125., 35 & 36 Vict. c. 60., 41 & 42 Vict. c. 26.
Amends 24 Geo. 2. c. 48., Abbreviation of Michaelmas Term.

69. FUGITIVE OFFENDERS [U.K.]
Repeals 6 & 7 Vict. c. 34., Apprehension of Offenders.
Applies 37 & 38 Vict. c. 27., Courts (Colonial) Jurisdiction Act, 18
,, 17 & 18 Vict. c. 104., Merchant Shipping Act, 1854.
,, 41 & 42 Vict. c. 67., Foreign Jurisdiction Act, 1878.

70. EXPIRING LAWS CONTINUANCE [U.K.]
Continues (as in Schedule) the following Acts, and Acts amending the same; viz.:—
5 & 6 Will. 4. c. 27., Linen, &c. Manufactures (Ireland).
3 & 4 Vict. c. 89., Poor Rates (Stock in Trade Exemption).
4 & 5 Vict. c. 35., Copyhold, &c. Commissions.
4 & 5 Vict. c. 59., Application of Highway Rates to Turnpike Roads.
10 & 11 Vict. c. 32., Landed Property Improvement (Ireland).
10 & 11 Vict. c. 98., Ecclesiastical Jurisdiction.
12 & 12 Vict. c. 32., County Cess (Ireland).
14 & 15 Vict. c. 104., Episcopal, &c. Estates.
17 & 18 Vict. c. 102., Corrupt Practices Prevention.
23 & 24 Vict. c. 19., Dwellings for Labouring Classes (Ireland).
24 & 25 Vict. c. 109., Salmon Fishery (England).
25 & 26 Vict. c. 97., Salmon Fisheries (Scotland).
26 & 27 Vict. c. 105., Promissory Notes.

Table A.—Acts of 44 & 45 Vict. (in order of Chapter), &c.—*continued.*

CH.

70. EXPIRING LAWS CONTINUANCE [U.K.]—*continued.*
27 & 28 Vict. c. 20., Promissory Notes, &c. (Ireland).
28 & 29 Vict. c. 46., Militia Ballots Suspension.
28 & 29 Vict. c. 83., Locomotives on Roads.
29 & 30 Vict. c. 52., Prosecution Expenses.
31 & 32 Vict. c. 125., Election Petitions and Corrupt Practices.
32 & 33 Vict. c. 21., Election Commissioners Expenses.
32 & 33 Vict. c. 42., Irish Church.
34 & 35 Vict. c. 87., Sunday Observance Prosecutions.
35 & 36 Vict. c. 33., Parliamentary and Municipal Elections (Ballot).
38 & 39 Vict. c. 48., Police Expenses.
38 & 39 Vict. c. 84., Returning Officers Expenses.
39 & 40 Vict. c. 21., Juries (Ireland).
41 & 42 Vict. c. 41., Returning Officers Expenses (Scotland).
43 Vict. c. 18., Parliamentary Elections.

71. IRISH CHURCH ACT AMENDMENT [I.]
Amends 32 & 33 Vict. c. 42., Irish Church Act, 1869.
Dissolves Church Temporalities (Ireland) Commission, and transfers Property and Powers to the Irish Land Commission.
Applies 4 & 5 Will. 4. c. 24. s. 20., as to Superannuation, &c.

72. HIGHWAYS AND LOCOMOTIVES ACT AMENDMENT [E.]
Amends 41 & 42 Vict. c. 77., Highways and Locomotives (Amendment) Act, 1878.

## (B.)

## Acts of former Sessions (in Chronological Order) Repealed and Amended by Acts of 44 & 45 Vict.

| Act repealed or amended. | Subject-matter. | How affected. | Chapter of 44 & 45 Vict. |
|---|---|---|---|
| 24 Geo. 2. c. 48. - - | Abbreviation of Michaelmas Term. | Amended - | 68 |
| 42 Geo. 3. c. 68. s. 7. - - | Yeomanry (Ireland) - - | Repealed - | 57 |
| 43 Geo. 3. c. 59. - - | County Bridges - - | Amended - | 14 |
| ,, c. 61. - - | Relief of soldiers, sailors, and marines, &c. | Repealed - | 57 |
| 44 Geo. 3. c. 54. ss. 21, 25. - | Yeomanry and volunteers (Great Britain). | Repealed - | 57 |
| 47 Geo. 3. sess. 2. c. 25. in part. | Army - - - - | Repealed - | 57 and 58 |
| 50 Geo. 3. c. 87.* - - | East India Company's Forces | Repealed - | 57 |
| 51 Geo. 3. c. 75.* - - | | | |
| ,, c. 103.* - - | Half-pay and other allowances | Repealed - | 57 |
| 52 Geo. 3. c. 151. - - | | | |
| 55 Geo. 3. c. 184. - - | Legacy and Succession Duty - | Amended - | 12 |
| 58 Geo. 3. c. 73.* - - | Regimental debts, &c. - - | Repealed - | 57 |
| 2 & 3 Will. 4. c. 106. - - | Half-pay, &c. - - - | Repealed - | 57 |
| 3 & 4 Will. 4. c. 74. - - | Acknowledgments by married women. | Amended - | 68 |
| 4 & 5 Will. 4. c. 36. - - | Central Criminal Court - | Amended - | 64 |
| 6 & 7 Will. 4. c. 56. - - | Cessio bonorum (Scotland) - | Amended - | 22 |
| 7 Will. 4. & 1 Vict. c. 29.* - | Foreign Enlistment - - | Repealed - | 57 |
| 3 & 4 Vict. c. 96. s. 20. - | Postage Duties - - - | Repealed - | 12 |
| 4 & 5 Vict. c. 49. - - | County Bridges - - - | Amended - | 14 |

* So much as is unrepealed.

Table B.—Acts of former Sessions repealed and amended—*continued.*

| Act repealed or amended. | Subject-matter. | How affected. | Chapter of 44 & 45 Vict. |
|---|---|---|---|
| 6 & 7 Vict. c. 34. - - | Apprehension of offenders - | Repealed - | 69 |
| ,, c. 73. - - | Solicitors Act, 1843 - - | Amended - | 68 |
| 7 & 8 Vict. c. 18. - - | Courts-martial in the East Indies. | Repealed - | 57 |
| 8 & 9 Vict. c. 119. - - | Conveyance of Real Property - | Repealed - | 41 |
| 9 & 10 Vict. c. 37. in part - | Coroners (Ireland) - - | Repealed - | 35 |
| 10 & 11 Vict. c. 37. - - | Limiting service in the army - | Repealed - | 57 |
| ,, c. 63. in part - | Limiting service in the Royal Marine forces. | Repealed - | 57 |
| 15 & 16 Vict. c. 86. s. 48 - | Equity Jurisdiction - - | Repealed - | 41 |
| 16 & 17 Vict. c. 51. - - | Legacy and Succession Duty - | Amended - | 12 |
| 18 & 19 Vict. c. 68. - - | Burial Grounds (Scotland) - | Amended - | 27 |
| 19 & 20 Vict. c. 16. - - | Central Criminal Court - | Amended - | 64 |
| ,, c. 79. - - | Bankruptcy (Scotland) - - | Amended - | 22 |
| ,, c. 108. - - | County Courts Act, 1856 - | Amended - | 68 |
| 20 Vict. c. 1. s. 1. in part - | Limiting service in the Royal Marine forces. | Repealed - | 57 |
| 20 & 21 Vict. c. 60. - - | Court of Bankruptcy (Ireland) - | Amended - | 23. |
| ,, c. 85. - - | Divorce Act, 1857 - - | Amended - | 68 |
| 21 & 22 Vict. c. 106. - - | Government of India Act, 1858 | Amended - | 63 |
| 22 Vict. c. 26. - - | Superannuation—Customs - | Amended - | 30 |
| 22 & 23 Vict. c. 35. ss. 4–9. - | Law of Property, &c. - - | Repealed - | 41 |
| 23 & 24 Vict. c. 126. s. 2. - | Common Law Procedure Act, 1860. | Repealed - | 41 |
| ,, c. 127. - - | Solicitors Act, 1860 - - | Amended - | 68 |
| ,, c. 129. - - | Excise—Spirits exported - | Amended - | 12 |
| ,, c. 129. ss. 2, 3. - | Spirits, Channel Islands - | Repealed - | 12 |
| ,, c. 145. in part - | Trustees, &c. Act, 1860 - | Repealed - | 41 |
| ,, c. 152. - - | Tramways (Ireland) - - | Amended - | 17 |
| 24 & 25 Vict. c. 102. - - | | | |
| 25 & 26 Vict. c. 65. - - | Jurisdiction in Homicides - | Amended - | 64 |
| 26 & 27 Vict. c. 57. - - | Regimental Debts Act, 1863 - | Amended - | 57 |
| ,, c. 65. in part - | Volunteer Act, 1863 - - | Repealed - | 57 |
| ,, c. 124. - - | Alkali Works - - - | Repealed - | 37 |
| 27 & 28 Vict. c. 53. - - | Summary Procedure - - | Amended - | 24 and 33 |
| 28 & 29 Vict. c. 98. - - | Excise—Spirits exported - | Amended - | 12 |
| 30 & 31 Vict. c. 23. in part - | Customs and Inland Revenue - | Repealed - | 12 |
| ,, c. 34. - - | Army Enlistment - - | Repealed - | 57 |
| ,, c. 98. - - | Patriotic Fund - - - | Amended - | 46 |
| ,, c. 110. in part - | Reserve Force Act, 1867 - | Repealed - | 57 |
| ,, c. 111. in part - | Militia Reserve Act, 1867 - | Repealed - | 57 |
| 31 & 32 Vict. c. 36. - - | Alkali Works - - - | Repealed - | 37 |
| ,, c. 45. - - | Sea Fisheries - - - | Amended - | 11 |
| ,, c. 48. - - | Universities Elections (Scotland) | Amended - | 40 |
| ,, c. 108. - - | Municipal Elections (Scotland) | Amended - | 13 |
| ,, c. 125. - - | Parliamentary Elections Act, 1868. | Amended - | 68 |
| 32 & 33 Vict. c. 42. - - | Irish Church Act, 1869 - - | Amended - | 71 |
| ,, c. 73. s. 22. in part. | Post Office Telegraphs - - | Repealed - | 20 |
| ,, c. 77. - - | Basses Lights Act, 1869 - | Amended - | 38 |
| ,, c. 91. - - | Supreme Court of Judicature - | Amended - | 68 |
| ,, c. 102. - - | Metropolitan Board of Works (Loans). | Amended - | 48 |
| ,, c. 103. in part - | Warehousing of Wines and Spirits. | Repealed - | 12 |
| 33 & 34 Vict. c. 46. in part - | Landlord and Tenant (Ireland) | Repealed - | 49 |
| ,, c. 67. in part - | Army Enlistment Act, 1870 - | Repealed - | 57 |
| ,, c. 79. s. 6. in part. | Post Office—Newspapers - | Repealed - | 19 |

Table B.—Acts of former Sessions repealed and amended—*continued.*

| Act repealed or amended. | Subject-matter. | How affected. | Chapter of 44 & 45 Vict. |
|---|---|---|---|
| 33 & 34 Vict. c. 97. - - | Stamp Duties - - - | Amended - | 12 |
| 34 & 35 Vict. c. 86. ss. 9, 15. | Regulation of the Forces Act, 1871. | Repealed - | 57 |
| ,, c. 96. - - | Pedlars Certificates - - | Amended - | 45 |
| ,, c. 105. - - | Petroleum (Hawkers) - - | Amended - | 67 |
| ,, c. 114. - - | Tramways (Ireland) - - | Amended - | 17 |
| 35 & 36 Vict. c. 42. in part - | Landlord and Tenant (Ireland) | Repealed - | 49 |
| ,, c. 55. - - | Basses Lights Act, 1872 - | Amended - | 38 |
| ,, c. 69. - - | Local Government Board (Ireland). | Amended - | 28 |
| ,, c. 76. - - | Coal Mines - - - | Amended - | 26 |
| 36 & 37 Vict. c. 66. - - | Supreme Court of Judicature - | Amended - | 68 |
| 37 & 38 Vict. c. 43. - - | Alkali Works - - - | Repealed - | 37 |
| ,, c. 78. in part - | Vendor and Purchaser Act, 1874 | Repealed - | 41 |
| 38 & 39 Vict. c. 41. - - | Duties on Inventories (Scotland) | Amended - | 12 |
| ,, c. 65. - - | Metropolitan Board of Works (Money). | Amended - | 48 |
| ,, c 69. in part - | Militia Voluntary Enlistment Act, 1875. | Repealed - | 57 |
| ,, c. 77. - - | Supreme Court of Judicature - | Amended - | 68 |
| ,, c. 87. s. 48. - | Land Transfer Act, 1875 - | Repealed - | 41 |
| ,, c. 89. - - | Public Works Loans - - | Amended - | 38 |
| 39 & 40 Vict. c. 24. - - | Duties on Inventories (Scotland) | Amended - | 12 |
| ,, cc. 35, 36. - | Customs - - - | Amended - | 12 and 57 |
| ,, c. 59. - - | Appellate Jurisdiction - - | Amended - | 68 |
| ,, c. 70. - - | Sheriff Court (Scotland) - | Amended - | 22 |
| 40 & 41 Vict. c. 9. - - | Supreme Court of Judicature - | Amended - | 68 |
| ,, c. 21. - - | Prison Act, 1877 - - | Amended - | 64 |
| ,, c. 29. - - | Married Women's Property (Scotland). | Amended - | 21 |
| ,, c. 35. - - | Metropolitan Open Spaces - | Amended - | 34 |
| ,, c. 62. - - | Solicitors Act, 1877 - - | Amended - | 68 |
| 41 & 42 Vict. c. 10. in part - | Mutiny Act, 1878 - - | Repealed - | 57 |
| ,, c. 11. - - | Marine Mutiny Act, 1878 - | Repealed - | 57 |
| ,, c. 15. s. 13. - | Inhabited House Duty - - | Amended - | 12 |
| ,, c. 77. - - | Highways and Locomotives - | Amended - | 72 |
| 42 & 43 Vict. c. 1. - - | Spring Assizes Act, 1879 - | Amended - | 64 |
| ,, c. 32. in part - | Army Discipline, &c. - - | Repealed - | 57 and 58 |
| ,, c. 33. - - | Army Discipline, &c. - - | Amended - | 9, 57, and 58 |
| ,, c. 43. - - | East Indian Railway - - | Amended - | 53 |
| ,, c. 45. - - | Indian Loan - - - | Amended - | 54 |
| ,, c. 49. - - | Summary Jurisdiction - - | Amended - | 24 |
| ,, c. 61. - - | Indian Loan - - - | Amended - | 54 |
| ,, c. 78. - - | Supreme Court of Judicature - | Amended - | 68 |
| ,, c. cvi. - - | East Indian Railway - - | Amended - | 53 |
| 43 Vict. c. 1. - - | Seeds Supply (Ireland) - - | Amended - | 28 |
| ,, c. 14. - - | Probate and Legacy Duties - | Amended - | 12 |
| 43 & 44 Vict. c. 14. - - | Relief of Distress (Ireland) - | Amended - | 28 |
| ,, c. 19. s. 53. - | Taxes Management - - | Amended - | 12 |
| ,, c. 20. - - | Inland Revenue—Brewers Licenses. | Amended - | 12 |
| ,, c. 25. - - | Metropolitan Board of Works (Money). | Amended - | 48 |
| ,, c. 34. - - | Debtors (Scotland) - - | Amended - | 22 |
| ,, c. 35. - - | Wild Birds Protection - - | Amended - | 51 |
| ,, c. 41. - - | Burials - - - - | Amended - | 2 |
| 44 & 45 Vict. c. 9. in part - | Army - - - - | Repealed - | 58 |
| ,, c. 57. in part - | | | |

Table B.—Acts of former Sessions repealed and amended—*continued.*

*Repeals effected by the Statute Law Revision and Civil Procedure Act, 44 & 45 Vict. c. 59.*

| Act repealed by 44 & 45 Vict. c. 59.* | Subject-matter of Act repealed. |
|---|---|
| 20 Hen. 3. c. 1. - - | The Provisions of Merton. Chapter one. |
| 52 Hen. 3. c. 3. - - | The Statute of Marlborough. Chapter three. |
| ,, c. 5. - - | ,, ,, Chapter five. |
| ,, c. 9. - - | ,, ,, Chapter nine. |
| ,, c. 10. - - | ,, ,, Chapter ten. |
| ,, c. 21. - - | ,, ,, Chapter twenty-one. |
| ,, c. 23. in pt. - | ,, ,, Chapter twenty-three. |
| 3 Edw. 1. c. 19. - - | The Statutes of Westminster; the First. |
| 13 Edw. 1. c. 2. - - | ,, ,, the Second. Chapter two. |
| ,, c. 30. - - | ,, ,, the Second. Chapter thirty. |
| ,, c. 31. - - | ,, ,, the Second. Chapter thirty-one. |
| 21 Edw. 1. - - | Statute of the Justices of Assise. |
| 27 Edw. 1. - - | The Statute of Fines levied. |
| 28 Edw. 1. c. 16. - - | Articles upon the Charters. Chapter sixteen. |
| 9 Edw. 2. stat. 2. in pt. - | The Statute of Sheriffs. |
| 12 Edw. 2. - - | The Statute of York. |
| Statutes of uncertain date | The Statutes of the Exchequer, from "And the treasurer and barons" to "the King's own debt." |
| 1 Edw. 3. stat. 1. - | Statute the First. |
| 2 Edw. 3. c. 2. - - | Statute made at Northampton. Chapter two. |
| 4 Edw. 3. in pt. - - | Statute made at Westminster. |
| 14 Edw. 3. stat. 1. c. 16. - | Statute the First. Chapter sixteen. |
| 18 Edw. 3. stat. 3. c. 5. - | Statute the Third. Chapter five. |
| 20 Edw. 3. - - | Ordinance for the Justices. |
| 8 Ric. 2. - - - | Statute made at Westminster in the Eighth year. |
| 11 Ric. 2. - - | Statute made at Westminster in the Eleventh Year. |
| 12 Ric. 2. c. 10. in. pt. - | Statute made at Cambridge in the Twelfth Year. Chapter ten. |
| 13 Ric. 2. stat. 1. in pt. - | Statute of the Thirteenth Year. |
| 7 Hen. 4. c. 3. - - | Statute of the Seventh Year. Chapter three. |
| 34 & 35 Hen. 8. c. 26. in pt. | For certain Ordinances in the King's Dominions and Principality of Wales. |
| 23 Eliz. c. 3. - - | For Reformation of Errors in Fines and Recoveries. |
| 17 Chas. 2. c. 7. - - | For more speedy and effectuall proceeding upon Distresses and Avowryes for Rents. |
| 29 Chas. 2. c. 3. in. pt. - | For Prevention of Frauds and Perjuryes. |
| 12 & 13 Will. 3. c. 2. s. 3. in pt. | For the further Limitation of the Crown, &c. |
| 9 Anne c. 25. s. 7. - | Proceedings on Writs of Mandamus, &c. |
| 5 Geo. 2. c. 27. - - | Frivolous and Vexatious Arrests. |
| 11 Geo. 2. c. 19. s. 23. - | Securing the Payment of Rents, &c. |
| 12 Geo. 2. c. 27. - - | Justices of Assize. |
| 43 Geo. 3. c. 161. s. 10. in pt. | House Tax. |
| 52 Geo. 3. c. 101. s. 1. in pt. | Charitable Trusts. |
| 1 Will. 4. c. 7. ss. 4, 8, 9. | Judgments in Common Law Courts, &c. |
| ,, c. 21. s. 6. - | Proceedings in Prohibition and Mandamus. |
| 2 & 3 Will. 4. c. 33. in pt. | Service of Process from Courts of Chancery and Exchequer. |
| 3 & 4 Will. 4. c. 42. in pt. | Further Amendment of the Law and better Advancement of Justice. |
| 5 Vict. c. 5. in pt. - | Administration of Justice. |
| 5 & 6 Vict. c. 54. s. 18. - | Actions of Replevin for Rentcharge. |
| 6 & 7 Vict. c. 67. in pt. - | Writs of Error upon Proceedings on Mandamus. |
| 12 & 13 Vict. c. 96. s. 5. in pt. | Admiralty Offences Colonial Act, 1849. |

* *See* Note prefixed to Schedule to the Act.

Table B.—Acts of former Sessions repealed and amended—*continued.*

| Act repealed by 44 & 45 Vict. c. 59. | Subject-matter of Act repealed. |
|---|---|
| 13 & 14 Vict. c. 35. in pt. | Proceedings in Chancery in England. |
| 15 & 16 Vict. c. 80. in pt. | Abolition of office of Master in Chancery, &c. |
| ,, c. 86. in pt. | Practice and proceeding in Chancery. |
| ,, c. 87. s. 5. | Relief of Suitors in Chancery. |
| 17 & 18 Vict. c. 78. s. 5. | Administration of Oaths, &c. in the Court of Admiralty. |
| ,, c. 82. ss. 2–5. | Administration of Justice in the Court of Chancery of County Palatine of Lancaster. |
| 18 & 19 Vict. c. 45. | Assimilating practice in County Palatine of Lancaster to that of other counties, &c. |
| ,, c. 90. s. 3. in pt. | Costs in Court of Exchequer. |
| 19 & 20 Vict. c. 86. | Office of Cursitor Baron of Exchequer. |
| ,, c. 113. s. 6. in pt. | Taking of Evidence in Her Majesty's Dominions in relation to matters pending before Foreign Tribunals. |
| 20 & 21 Vict. c. 77. in pt. | Probates and Letters of Administration in England. |
| 21 & 22 Vict. c. 27. in pt. | Procedure in the High Court of Chancery, &c. |
| ,, c. 95. in pt. | |
| 22 & 23 Vict. c. 6. | Enabling Serjeants, Barristers-at-law, Attorneys, and Solicitors to practise in the High Court of Admiralty. |
| ,, c. 21. in pt. | Regulating office of Queen's Remembrancer, &c. |
| ,, c. 59. s. 26. in pt. | Railway Companies Arbitration Act, 1859. |
| 23 & 24 Vict. c. 34. s. 15. | The Petitions of Right Act, 1860. |
| ,, c. 54. | Amending Act for abolishing offices on the Crown side of the Court of Queen's Bench, &c. |
| ,, c. 127. s. 25. | Amending the laws relating to Attorneys, Solicitors, &c. |
| 24 & 25 Vict. c. 10. in pt. | The Admiralty Court Act, 1861. |
| 25 & 26 Vict. c. 42. in pt. | The Chancery Regulation Act, 1862. |
| ,, c. 67. in pt. | The Declaration of Title Act, 1862. |
| ,, c. 89. in pt. | The Companies Act, 1862. |
| 26 & 27 Vict. c. 122. s. 3. | Circuits of the Judges, &c. |
| 28 & 29 Vict. c. 104. in pt. | The Crown Suits &c. Act, 1865. |
| 30 & 31 Vict. c. 64. | Dispatch of Business in the Court of Appeal in Chancery. |
| ,, c. 68. | Dispatch of Business in the Chambers of the Judges of Superior Courts of Common Law. |
| ,, c. 87. ss. 4, 5. | The Court of Chancery (Officers) Act, 1867. |
| ,, c. 131. s. 20. in pt. | The Companies Act, 1867. |
| 31 & 32 Vict. c. 11. | Dispatch of Business in the Court of Appeal in Chancery. |
| ,, c. 40. s. 11. | The Partition Act, 1868. |
| ,, c. 54. s. 7. in pt. | The Judgments Extension Act, 1868. |
| 33 & 34 Vict. c. 6. | Extending jurisdiction of the Judges of the Superior Courts of Common Law. |
| 39 & 40 Vict. c. 66. | The Legal Practitioners Act, 1876. |
| 43 & 44 Vict. c. 19. in pt. | The Taxes Management Act, 1880. |

# INDEX

TO THE

# PUBLIC GENERAL STATUTES,

## 44 & 45 VICTORIA.—A.D. 1881.

*** Several Public Acts of a Local Character have been placed amongst the Local and Personal Acts. These Acts will be found (separately distinguished) in the "Table of the Statutes" at the commencement of the volume, page vi.

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ALKALI, &c. WORKS REGULATION.

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LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1881.